

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7268 of 2021

Arising Out of PS. Case No.-360 Year-2019 Thana- CHANPATIA District- West Champaran

1. PAMMI DEVI W/o Bikrama Choubey Resident of Village-Barwachap, P.S.- Chanpatiya, District-West Champaran.
2. Bikrama Chaubey Son of Late Bishwanath Choubey Resident of Village-Barwachap, P.S.-Chanpatiya, District-West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

A supplementary affidavit has been filed on behalf of the petitioners. The same be kept on record. In the light of statement made in paragraph 2 of the supplementary affidavit, Chanpatiya P.S. Case No. 360/2020 mentioned in paragraph 1 and prayer portion of the main application be read as Chanpatiya P.S. Case No. 360/2019.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four



weeks after restoration of normalcy.

The petitioners are apprehending their arrest in Chanpatiya P.S. Case No. 360/2019 a case registered under Sections 341, 323, 324, 379, 354(B), 307, 504 and 506/34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons assaulted the informant and family members due to which they sustained injuries. .

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner no. 1 is a lady. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.



Considering the aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 360/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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