

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7096 of 2021

Arising Out of PS. Case No.-258 Year-2019 Thana- SALIMPUR District- Patna

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RANJIT RAI @ RANJIT KUMAR s/O JAI BABU RAI Resident Of Village
Kala Diyara, P. S. - Salimpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mrs. Indul Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-01-2022 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 petitioner and learned APP
for the State through virtual mode.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the Office, within a period of four
weeks after restoration of normalcy.

Learned counsel for the petitioner submits that in the
prayer portion of the present petition, due to typographical error, P.S.
case number has been typed as “Salimpur P.S. Case No. 258 of
2020” in place of “Salimpur P.S. Case No. 258 of 2019”.

Let in the prayer portion of the petition, the words
“Salimpur P.S. Case No. 258 of 2020” be corrected to be read



“Salimpur P.S. Case No. 258 of 2019”.

The petitioner is apprehending his arrest in a case registered under Section 302 of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that on the occasion of marriage, the accused persons fired due to which the deceased sustained injury and later succumbed to the injuries.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the allegation, on the occasion of marriage, firing was being made which hit the deceased. It was an accidental firing. The petitioner had no intention to commit murder. At best, it is a case for offence under Section 304 IPC or 304A IPC. Subsequently, informant has filed a petition in the Court below in which he has retracted from his earlier statement made in the F.I.R. The said petition is Annexure-2 to the present application.

On behalf of the State, it is submitted that the petitioner is 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 petitioner, 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 his personal bonds to the satisfaction of learned Judicial Magistrate, 1st Class, Barh, Patna in connection with Salimpur P.S. Case No. 258 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) 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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