

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7116 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- RAJAPAKAR District- Vaishali

1. Prem Prakash @ Bipul @ Prem Prakash Son Of Surendra Ram Resident Of Village- Bhalui, P.S.- Rajapakar, Dist.- Vaishali (HAZIPUR)
2. Munna Kumar Son Of Nand Gopal Ram R/O Village- Bhalui, P.S.- Rajapakar, Dist.- Vaishali (HAZIPUR)
3. Prince Kumar Son Of Nand Gopal Ram R/O Village- Bhalui, P.S.- Rajapakar, Dist.- Vaishali (HAZIPUR)

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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 petitioners and learned APP for the State through virtual mode.

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 a case registered under Sections 341, 323, 325, 307, 302 and 34



of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons assaulted the husband of the informant and family members due to which husband of the husband died.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. As per the allegations made in the F.I.R., Surendra Ram is alleged to be the main assailant who assaulted the deceased. As far as petitioner is concerned, general and omnibus allegation has been made against them. No specific overt act is alleged against the petitioners. Other co-accused has been granted anticipatory bail vide order dated 09.08.2021 passed in passed in Cr. Misc. No. 5143 of 2021

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 A.C.J.M. -III, Vaishali at Hajipur in connection with Raja Pakar P.S. Case No. 173 of 2020, 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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