

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8367 of 2021**

Arising Out of PS. Case No.-101 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

1. SHAMBHU SINGH Son of Lalan Singh Resident of Village - Mahdah, P.S.- Buxar (M), Distt.- Buxar.
2. Promod Kumar Singh @ Parak Singh Son of Vijay Shankar Singh Resident of Village - Mahdah, P.S.- Buxar (M), Distt.- Buxar.
3. Aazad Singh Son of Arun Kumar Singh Resident of Village - Mahdah, P.S.- Buxar (M), Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Surendra Kumar Mishra  
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      20-01-2022                      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 the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in Buxar (M) P.S. Case No. 101 of 2020 registered under Sections 341, 323,



307, 379, 504 and 506 of the Indian Penal Code.

Allegedly, the informant went to the grocery shop of his villager and in the meantime, the accused persons armed with deadly weapon came there and abused him and in consequence thereof, the accused persons assaulted the informant with rod as a result of which, the informant sustained bleeding injury.

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 been falsely implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties for a petty reason. The injury on the side of the accused 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 Complaint Case/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 of the case, let the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (M) P.S. Case No. 101 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) 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)**

A.K.V.//-

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