

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67866 of 2021

Arising Out of PS. Case No.-47 Year-2021 Thana- DHANGAI District- Bhojpur

1. KHUSHBU KUMARI D/o Nagendra Yadav R/o village- Dihari, P.S.- Dhangai, District- Bhojpur
2. Mutul Kumari D/o Birendra Yadav R/o village- Dihari, P.S.- Dhangai, District- Bhojpur
3. Munni Kumari D/o Rajendra Yadav R/o village- Dihari, P.S.- Dhangai, District- Bhojpur
4. Asha Devi W/o Shyam Babu Yadav R/o village- Dihari, P.S.- Dhangai, District- Bhojpur
5. Shail Devi W/o Birendra Yadav R/o village- Dihari, P.S.- Dhangai, District- Bhojpur
6. Sanju Devi W/o Nagendra Yadav R/o village- Dihari, P.S.- Dhangai, District- Bhojpur
7. Binda Devi W/o Bhola Yadav @ Jay Kishor Singh R/o village- Shivpur, P.S.- Dhangai, District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque
For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 13-01-2022 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.

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.

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



The petitioners are apprehending their arrest in Dhangai P.S. Case No. 47 of 2021 registered under Sections 147, 149, 341, 323, 324, 337, 338, 353, 427, 504 of the Indian Penal Code.

Allegedly, when the police went to arrest co-accused, a protest was made by the accused persons. Petitioners are alleged to have assaulted the police party by lathi, danda, stones.

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. As per prosecution case, the police had gone to arrest an accused in the local area. The local residents protested against the act of the police and a scuffle is said to have taken place between the police and the local residents. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. All the petitioners are ladies.

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, 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 bonds to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Dhangai P.S. Case No. 47 of 2021 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)

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