

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69547 of 2021

Arising Out of PS. Case No.-51 Year-2020 Thana- AMBA District- Aurangabad

1. UPENDRA PASWAN S/o Kameshwar Paswan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar)
2. SAHENDRA PASWAN S/o Kailash Paswan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar)
3. AYODHYA PASWAN @ AYODHYA LAL S/o Rajeshwar Paswan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar)
4. NARAYAN PASWAN S/o Kamdeo Paswan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar)
5. SANJEEV KUMAR @ SANJEEVAN PASWAN S/o Dinanath Paswan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar)
6. BHOLA KUMAR @ PRASIDH KUMAR @ BHOLA PASWAN S/o Narayan Paswan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar)
7. BASANT BHUIYAN @ BASANT PRASAD S/o Shyamdeo Bhuiyan Resident of Village- Bharat, P.S.- Amba, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Satya Nand Shukla

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 Amba P.S. Case No. 51 of 2020 registered under Sections 147, 148, 149, 504, 506, 337, 338, 353, 307 of the Indian Penal Code and 27 of the Arms Act.

Allegedly, due to cremation on a disputed piece of land, local residents and police entered into a scuffle. Firing was also said to have been made.

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 been falsely implicated in the present case. As per prosecution case, cremation was being made on a disputed piece of land and for the said reason, a scuffle took place between the police and the local residents. Altogether 49 persons along with 100 unknown persons have been made accused in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners.

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, Aurangabad in connection with Amba P.S. Case No. 51 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)

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