

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70674 of 2021

Arising Out of PS. Case No.-31 Year-2021 Thana- RAMPUR CHAURAM District-
Jehanabad

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1. CHHOTU KUMAR @ ABHINASH BRAJ RAJ S/o Krishna Singh R/o village- Sarwan, P.S.- Rampur Chauram, District- Arwal
 2. JITENDRA SINGH @ JITENDRA KUMAR BRAJ RAJ S/O KRISHNA SINGH R/o village- Sarwan, P.S.- Rampur Chauram, District- Arwal
 3. SATENDRA SINGH @ SATENDRA KUMAR SINGH S/O KRISHNA SINGH R/o village- Sarwan, P.S.- Rampur Chauram, District- Arwal
 4. KRISHNA SINGH S/O LATE TILAK DHARI SINGH R/o village- Sarwan, P.S.- Rampur Chauram, District- Arwal
 5. SANTOSH KUMAR @ ADITYA BRAJ RAJ S/O RAM PRAVESH SINGH R/o village- Sarwan, P.S.- Rampur Chauram, District- Arwal

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-01-2022 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 ‘To Be
Mentioned’.

Learned counsel for the petitioners seeks permission
of the Court to withdraw this application in respect of petitioner
no. 4 and 5 as they have been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect



of petitioner nos. 4 and 5.

Heard learned counsel for the petitioner nos. 1 to 3 and learned APP for the State through virtual mode.

Learned counsel for the petitioner nos. 1 to 3 is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioner nos. 1 to 3 are apprehending their arrest in a case registered under Sections 341, 323, 354, 308, 504, 506 and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that on account of not voting in favour of accused, the accused persons, including the petitioner nos. 1 to 3, assaulted the informant due to which he sustained injuries. .

It has been submitted on behalf of the petitioner nos. 1 to 3 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 1 to 3. The petitioner nos. 1 to 3 have falsely been implicated in the present case. The nature of injury is said to be simple as it has been stated in paragraph no. 9 of the present application. For a petty reason, the alleged occurrence is said to have taken place. No deadly weapon is said to have been used in course of the occurrence.



On behalf of the State, it is submitted that the petitioner nos. 1 to 3 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 petitioner nos. 1 to 3, 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.-1st Arwal in connection with Rampur Chaurampur P.S. Case No. 31 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 petitioner nos. 1 to 3 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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