

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71058 of 2021**

Arising Out of PS. Case No.-177 Year-2021 Thana- NAVINAGAR District- Aurangabad

1. Dhiraj Singh @ Dhiraj Kumar Singh, aged about 25 years, Gender-Male, S/o Late Upender Singh, Resident of Village- Dhanaw, P.S.- Nabinagar, District- Aurangabad.
2. Rajendra Singh, aged about 60 years, Gender-Male, S/o Late Surya Dev Singh, Resident of Village- Dhanaw, P.S.- Nabinagar, District- Aurangabad.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bhaskar Shankar, Advocate

For the Opposite Party : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-02-2022 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 A.P.P. 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



connection with Nabinagar P.S. Case No. 177/2021, for the offence registered under Sections 307, 379, 447, 341, 323, 324, 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that on 30.07.2021 while the informant Pankaj Kumar Singh was cultivating, the F.I.R. named accused persons including the petitioners herein reached there and prohibited him from cultivating. On refusal, accused persons started abusing him. In the meantime, Dheeraj Singh (petitioner no. 1) opened fire while co-accused Satyendra Singh and Rajendra Singh (petitioner no. 2) attacked him with sword and lathi respectively. It is further alleged that Rajendra Singh (petitioner no. 2) snatched Rs. 2,000/- from him and one co-accused Vijay Singh fled away after taking the pistol.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The main allegation of assault is alleged against the co-accused, namely, Satyendra Singh, who is alleged to have caused injury on non-vital part of the body of the informant. No injury as such is attributed against the petitioner no. 1. From perusal of Annexure-2, it appears that only one injury is found,



which is attributed to co-accused Satyendra Singh.

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 the learned A.C.J.M.-I, Aurangabad, in connection with Nabinagar P.S. Case No. 177/2021, 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) 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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