

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71493 of 2021

Arising Out of PS. Case No.-565 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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1. RAJKUMAR RAUTH S/O LATE RAMJIT ROUTH Resident of- 8/20 Gosai Nagar Bennachatti, P.S.- Durgapur, District- Bardhman (W.B.)
 2. MANISHA ROUTH D/o Naresh Dom Resident of- 8/20 Gosai Nagar Bennachatti, P.S.- Durgapur, District- Bardhman (W.B.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Dom W/o Shankar Dom, D/o Late Bhusan Mallik Resident of- 8/20 Gosai Nagar Bennachatti, P.S.- Durgapur, District- Bardhman (W.B.), At present D/o Late Bhusan Mallik, R/o- Prathmik Swasth Kendra bakhtiyarpur, P.S.- Bakhtiyarpur, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Manoj Kumar Pandey, Advocate
For the State : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-01-2022 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 learned
APP for 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.

Further, learned counsel for the petitioners is



permitted to make necessary correction in paragraph 1 of the bail application.

The petitioners are apprehending their arrest in connection with Complaint case No.565(c)/2020 registered under Sections 498A, 323 of the Indian Penal Code.

Allegation against the petitioners is of committing torture upon the victim due to non-fulfilment of demand of dowry.

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 falsely been implicated in the present case. The petitioner No.1 is brother-in-law and petitioner No.2 is sister-in-law of the victim. The case is triable by the Magistrate. The petitioners have relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

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 facts and circumstances, 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 Mr. Pankaj Kumar Tiwari, learned Judicial Magistrate, 1st class, Barh, Patna in connection with Complaint case No.565(c)/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.

Narendra/-

(Sudhir Singh, J)

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