

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11827 of 2021

Arising Out of PS. Case No.-87 Year-2020 Thana- CHAKAI District- Jamui

=====

MUKESH PANDEY, Male, aged about 26 years, Son of Fuldeo Pandey,
Resident of Village - Simaria, P.S.- Chakai, District – Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party : Mr. Nand Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2022 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 petitioner and learned
A.P.P. for the State.

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

The petitioner is apprehending his arrest in connection
with Chakai P.S. Case No. 87/2020 for the offence registered



under Sections 341, 323, 307, 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that the informant was doing construction work in his house on 20.05.2020. In the meantime, accused persons came and abused and asked to stop the construction of the house and demanded *Rangdari*. The informant told that construction was doing in his own land, in the meantime, Mukesh Pandey (petitioner) assaulted the informant by *Tangi* on his head, blood was oozing. Co-accused Bhagwat Pandey also assaulted to him. When his father came to save him, accused persons also assaulted him.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per allegation, *Tangi* blow is said to have been given by the petitioner. From perusal of the order of the learned Sessions Court, it appears that nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is made out in the present case. Rests of the offences are triable by the Magistrate. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the



prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is 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, 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 his personal bonds to the satisfaction of the learned A.C.J.M.-3rd, Jamui, in connection with Chakai P.S. Case No. 87/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner 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)

U.K./-

U		T	
---	--	---	--

