

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12911 of 2021**

Arising Out of PS. Case No.-87 Year-2019 Thana- TANKUPPA District- Gaya

RAJESH KUMAR S/o Late Ramchandra Prasad Gupta R/o village-
Lakhanpura, Chand Chaurah, P.S.- Vishnupad, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

3 24-01-2022 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 petitioner and learned APP
for the State through virtual mode.

Learned Counsel for the petitioner is directed to remove
the defect(s), 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 Tankuppa P.S. case No.87 of 2019 registered under Sections
302, 201 read with Section 34 of the Indian Penal Code.

Prosecution case, in short, is that the co-accused persons



had taken away the son of the informant on the pretext of attending a party. However, in the night when the son of the informant did not return, search was made and subsequently the informant got a video on the mobile of his second son in which two dead bodies were shown lying at the alleged place of occurrence, whereupon the informant and his family members had rushed there and had identified the dead bodies lying there.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The name of the petitioner has come in this case in course of investigation on confessional statement of co-accused. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in this case. Other co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide Annexure 2 to the present application.

On behalf of the State, it is submitted that the petitioner is not 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 petitioner, 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 his personal bond to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Gaya in connection with Tankuppa P.S. case No.87 of 2019, 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)

Narendra/-

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