

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15098 of 2021

Arising Out of PS. Case No.-117 Year-2018 Thana- GOVINDPUR District- Nawada

VIKASH KUMAR Son of Late Manoj Prasad @ Manu Prasad Resident of
Village- Pathra, P.O.- Sughari, P.S.- Govindpur, District- Nawada, (Bihar)
805126

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Aaruni Singh, Advocate
For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 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 Govindpur P.S. case No.117 of 2018 registered under
Sections 341, 323, 337, 338, 302, 504/34 of the Indian Penal
Code.



Prosecution case, in short, is that co-accused Subodh Kumar assaulted the son of the informant by means of stone, due to which he sustained injury on his head, due to which he fell unconscious and he was taken to the Hospital for treatment. In course of treatment, the son of the informant died.

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. As per the F.I.R., the allegation is that Subodh Kumar is said to have assaulted the deceased on the head by stone. There is no allegation of assault alleged against the petitioner. In course of investigation, it has come that at best a case is made out under Section 304A of I.P.C., as it is evident from the order of the Sessions Court.

On behalf of the State, it is submitted that the petitioner is 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 Judicial Magistrate, 1st class, Nawada in connection with Govindpur P.S. case No.117 of 2018, 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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