

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17210 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. SURESH ROUT Son of Late Bhuneshwar Rout Resident of Village - Mehsol, P.s.- Runnisaidpur, Distt.- Sitamarhi.
2. Sanjay Rout Son of Late Nageshwar Rout Resident of Village - Mehsol, P.s.- Runnisaidpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar
For the Opposite Party/s	:	Mr.A.G
For the Informant	:	Mr. Birendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-01-2022 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.

Learned counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.

Heard learned counsel for the petitioner no. 2, learned APP for the State and learned counsel for the informant through virtual mode.



Learned counsel for the petitioner no. 2 is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioner no. 2 is apprehending his arrest in a case registered under Sections 328, 307 and 120(B) of the Indian Penal Code.

The prosecution allegation, in short, is that the informant suspects that the accused persons mixed some chemical in the hand pump with an intention to kill the entire family members.

It has been submitted on behalf of the petitioner no. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 2. The petitioner no. 2 has falsely been implicated in the present case. The present case has been instituted merely on the basis of suspicion. Except for suspicion, there is no other substantive evidence to suggest the implication of petitioner no. 2 in the present case. There is no eye witness to the alleged occurrence.

On behalf of the State and informant, it is submitted that the petitioner no. 2 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 no. 2, 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 learned Chief Judicial Magistrate, Sitamarhi in connection with Runnisaipur P.S. Case No. 301 of 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 no. 2 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)

Pankaj/-

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

