

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19263 of 2021

Arising Out of PS. Case No.-135 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. VISHAL SINGH @ BITTU KUMAR SINGH Son of Vijay Singh @ Vijay Kumar Singh Resident of Village- Mehiyan, P.S.- Muffasil, District- Saran.
2. Vishnu Singh @ Vishnu Kumar Singh Son of Vijay Singh @ Vijay Kumar Singh Resident of Village- Mehiyan, P.S.- Muffasil, District- Saran.
3. Vishwajeet Singh @ Vishwajeet Kumar Singh Son of Vijay Singh @ Vijay Kumar Singh Resident of Village- Mehiyan, P.S.- Muffasil, District- Saran.
4. Vijay Singh @ Vijay Kumar Singh Son of Gorakh Nath Singh Resident of Village- Mehiyan, P.S.- Muffasil, District- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1
For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-02-2022 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 petitioners and 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.

The petitioners are apprehending their arrest in Chapra Muffasil P.S. Case No. 135 of 2020 registered for the offence under



Sections 461, 379/34 of the Indian Penal Code.

Allegedly, at one night 50 bags of cement was stolen from the shop of the informant by removing asbestos of the shop. The asbestos and signboard of the shop was found behind the school of petitioner No. 4.

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 been falsely implicated in the present case. Prior to institution of the present case, a case (Annexure-2 to the present application) was instituted by petitioner No. 4 against the informant. The present case is nothing but the counter blast of the earlier case instituted by the petitioner No. 4. According to the prosecution case, in broken state, the asbestos of the shop is said to have been found behind a school which is alleged to be of the petitioner No. 4. No TIP of the broken asbestos has been conducted to ascertain as to whether the broken asbestos was of the shop of the informant.

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 aforesaid facts and circumstances of the case, 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 bonds to the satisfaction of learned Chief Judicial Magistrate, Chapra in connection with Chapra Muffasil P.S. Case No. 135 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 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.

(Sudhir Singh, J)

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