

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20478 of 2021

Arising Out of PS. Case No.-698 Year-2019 Thana- KATIHAR NAGAR District- Katihar

1. Rakesh Sah @ Rakesh Kr. Sah Son Of Ram Prasad Sah R/O -KORIAPATTI, P.S- Katihar Nagar, Dist- Katihar
2. Satish Sah @ Satish Kr. Sah Son Of Ram Prasad Sah R/O - Koriapatti, P.S- Katihar Nagar, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-02-2022 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 learned APP for 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.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.1, as the petitioner No.1 has been taken into judicial custody.

Permission is accorded.



The application filed on behalf of petitioner No.1 is dismissed as withdrawn.

The petitioner No.2 is apprehending his arrest in connection with Katihar Nagar P.S. case No.698 of 2019 registered under Sections 326, 307, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation is that the accused persons including the petitioner No.2 caught the son of the informant and co-accused Raja Sah fired from his pistol in his chest and stomach, due to which informant's son died.

It has been submitted on behalf of the petitioner No.2 that the petitioner No.2 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. As per the allegation, no injury is said to have been caused by the petitioner No.2 upon the deceased. Specific allegation of assault is alleged against the co-accused Raja Sah.

On behalf of the State, it is submitted that the petitioner No.2 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 No.2, 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 C.J.M., Katihar in connection with Katihar Nagar P.S. case No.698 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 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.

Narendra/-

(Sudhir Singh, J)

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