

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20328 of 2021

Arising Out of PS. Case No.-210 Year-2020 Thana- GAURICHAK District- Patna

GAURAV KUMAR @ GAURAV BHARTI S/o Shashi Bhushan Singh R/o
village- Hander, P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Raj Krishan Jha, Advocate
For the State	:	Mr.Kumar Veerendra Narayan, APP
For the informant	:	Mr. Tej Narayan Singh, Advocate
		Mr. Harsh Kumar Singh, Advocate

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 petitioner, learned APP
for the State and learned counsel for the informant 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 Gaurichak P.S. case No.210/2020 registered under Sections
448, 504, 506, 302, 120(B), 34 of the Indian Penal Code and
Section 27 of the Arms Act.



Accusation is that the accused persons including the petitioner caught hold of the brother of the informant, namely, Awadhesh Singh, whereupon co-accused Shashi Bhushan Singh is said to have fired from his weapon killing him.

It has been submitted on behalf of the petitioner that 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 allegation made in the F.I.R., the specific allegation of assault is alleged against the co-accused Shashi Bhushan Singh. Three accused persons including the petitioner are said to have caught hold of the deceased, when co-accused Shashi Bhushan Singh fired at the deceased. Said allegation made in the F.I.R. has been disbelieved by a Co-ordinate Bench of this Court while passing the order in Cr.Misc.No.5055 of 2021 and granted bail to other co-accused similarly situated. Said order passed by a Co-ordinate Bench of this Court is Annexure VI to the present application.

On behalf of the State and learned counsel for the informant, 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 A.C.J.M. VI, Patna City in connection with Gaurichak P.S. case No.210/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner 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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