

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20423 of 2021**

Arising Out of PS. Case No.-176 Year-2020 Thana- TARARI District- Bhojpur

Gorakh Singh @ Gaurav Singh Son Of Jai Narayan Singh R/O Village-
Karath, P.S.- Tarari, Dist.- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Nath Sinha

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 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 petitioner and 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 Tarari P.S.
Case No. 176 of 2020 registered for the offence under Sections-
341, 323, 308, 354(B), 379, 504, 506/34 of the Indian Penal
Code.

Allegedly, the petitioner entered into house of the



informant and committed Mar-pit. It is also alleged that the petitioner threw the child of informant from the bed. The clothes of the informant was also torn.

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 been falsely implicated in the present case. Both the parties are agnates. There is property dispute between the parties and for the said reason, the present case has been instituted with intention to put pressure upon the accused side. The accused side are claiming their share in the property in question. Neither any weapon is alleged to have been used nor any one is said to have been injured in course of occurrence. Except for offence under Section-308 of the Indian Penal Code, rest of the offences are triable by the Magistrate.

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 aforesaid facts and circumstances of the case, 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-Ist Class, Ara, Bhojpur in connection with Tarari P.S. Case No. 176 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 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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