

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20332 of 2021

Arising Out of PS. Case No.-325 Year-2019 Thana- DIDARGANJ District- Patna

BINOD THAKUR @ BINOD KUMAR THAKUR Son of Yogendra Thakur
Resident of Mohalla- Lodipur, P.S.- Hajipur Town, District- Vaishali.
(Hazipur).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Jai Vardhan Narayan, Advocate
For the State	:	Mr.Mukund Kumar, APP
For the informant	:	Mr.Rashid Zafar, 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 Didarganj P.S. case No.325 of 2019 registered under
Sections 302/34 of the Indian Penal Code.



Prosecution case, in short, is that the brother of the informant, namely, Pankaj Kumar went out of his house and did not return. Later on his dead body was found. The informant has suspicion that the petitioner along with co-accused Roshan Kumar committed murder of the brother of the informant.

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

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., Patna City in connection with Didarganj P.S. case No.325 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 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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