

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.21607 of 2021**

Arising Out of PS. Case No.-127 Year-2019 Thana- KATHAIYA District- Muzaffarpur

MUNCHUN KUMAR @ VIVEK KUMAR Son of Shri Bhola Prasad @ Ajay  
Kumar Resident of Village - Kharar Math, P.s.- Minapur, Dist.- Muzaffarpur.  
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs.Bela Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER**

2      17-01-2022                      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 learned  
APP for 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 connection  
with Trial No.1724/19 arising out of Kathaiya P.S. case  
No.127/2019 registered under Section 392 of the Indian Penal  
Code.

Prosecution case, in short, is that four unknown  
miscreants looted motorcycle, cash and mobile of the informant



on gun point.

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. As per the prosecution case, four unknown persons are said to have looted the motorcycle along with other articles. The name of the petitioner has transpired in this case on the confessional statement of co-accused recorded under Section 161 of Cr.P.C. before the police. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. There is no recovery of any looted article from the possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is not 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 Sri Hemant Kumar, Judicial Magistrate, 1<sup>st</sup> class, Muzaffarpur in connection with Trial No.1724/19 arising out of Kathaiya P.S. case No.127/2019, 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)**

Narendra/-

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