

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21421 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- DANDKHORA District- Katihar

ARVIND KUMAR Son of Late Jagdish Prasad Resident of Village -
Dashrathpur, P.S. - Giriyak, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shilpi Keshri, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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 and learned
APP for the State through virtual mode. A supplementary
affidavit has been filed on behalf of the petitioner.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Sections 467, 468 and 471 of the Indian Penal
Code.

The prosecution case, in short, is that the act of the



accused persons caused financial loss to the government in a scheme of the State Government.

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 present case has been instituted due to bona fide mistake on the part of the petitioner. There was only an apprehension of misuse of public money. It is alleged that there was certain miscalculation made in respect of assessing ground water which was to be used for the public distribution in a government scheme. It is further submitted that the petitioner is ready to deposit a sum of Rs. 50,000/- (fifty thousand) in the court below which shall be subject to the final disposal of the case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

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, **on deposit of a sum of Rs. 50,000/- (fifty thousand) in the Court below which shall be subject to final disposal of the case**, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of learned S.D.J.M., Katihar in connection with Dandkhora P.S. Case No. 52/2020, 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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