

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22638 of 2021**

Arising Out of PS. Case No.-125 Year-2016 Thana- JAGDISHPUR District- Bhojpur

ANUP MAHTO Son of Ashok Mahto Resident of Village - Laxmipur, P.S.-
Aayer, District - Bhojpur at Arah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr.A.G

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

2 18-01-2022 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.

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.

Heard learned counsel for the petitioner and the State
through virtual mode.

The petitioner is apprehending his arrest in Jagdishpur
P.S. Case No. 125 of 2016 registered under Section 394 of the
Indian Penal Code.

Allegedly, three unknown persons looted Rs. five lakhs of
the informant and also, fired at him.



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 been falsely implicated in the present case. As per the prosecution case, three unknown persons looted Rs. five lakhs of the informant. The name of the petitioner has transpired in this case on the basis of confessional statement of the co-accused recorded u/S 161 Cr.P.C. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery of any looted article from 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 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 Additional Chief Judicial Magistrate, Bhojpur, Ara in connection with Jagdishpur P.S. Case No. 125 of 2016 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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