

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24065 of 2021**

Arising Out of PS. Case No.-47 Year-2019 Thana- BIND District- Nalanda

Sunil Prasad Son Of Late Akalu Prasad R/O Village- Bind, P.S.- Bind,  
District-Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raj Kishor Prasad  
For the Opposite Party/s : Mr.A.G

**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.

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 Bind P.S. Case  
No. 47 of 2019 registered under Sections 302, 201, 120(B)/34 of the  
Indian Penal Code.

Prosecution case in short is that in the first episode, the  
informant’s husband was assaulted by axe as a result of which, he  
sustained grievous injury but after treatment, his life was save. A case



was lodged for the said occurrence and in consequence thereof, the accused persons started threatening the informant to compromise the case. The further case of the prosecution that the accused persons called the informant's husband and he went with the accused but he did not return. Later on, the deadbody of the informant was found.

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. The name of the petitioner has transpired in this case merely on the basis of suspicion. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case. After investigation, the police submitted final form against the petitioner. The court below differed with the police report and took cognizance against the petitioner. Hence the present petition has been filed.

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 Additional Chief Judicial Magistrate-IV, Nalanda at Bihar Sharif in connection with Bind P.S. Case No. 47of 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)**

A.K.V.//-

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