

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24516 of 2021**

Arising Out of PS. Case No.-53 Year-2020 Thana- GURARU District- Gaya

LAWKESH SINGH @ LOKESH SINGH SON OF RAMADHAR SINGH
R/O VILLAGE- KOCHI, P.S.- GURARU, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar
For the Opposite Party/s : Mr.A.G.

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

2 03-02-2022 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 Guraru
P.S. Case No. 53 of 2020 registered under Sections 376, 385,
406 and 420 of the Indian Penal Code.

Allegedly, the petitioner took the informant to Gaya
and intoxicated her by mixing something in food. It is further



alleged that the petitioner committed rape upon her in unconscious state and also made a video.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. It is further submitted that subsequently, the informant filed a petition in the court below under her signature wherein she retracted from her earlier statement made in the FIR. The signature of the informant put on the FIR and on the petition filed in the court below apparently appears to be similar. In the said petition filed by the informant, she retracted from her earlier statement made in the FIR. The said retraction from the statement made in the FIR on the part of the informant casts doubt about the prosecution case and the same cannot be relied upon.

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-Vth, Gaya connection with Guraru P.S. Case No. 53 of 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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