

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34738 of 2021**

Arising Out of PS. Case No.-6 Year-2021 Thana- SIKANDRA District- Jamui

Vikash Paswan, Male, aged about 21 years, Son Of Rajendra Paswan, R/O
Village- Dhadhaur, P.S.- Sikandra, District- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party : Mr. Awdhesh Kumar Singh, A.P.P.

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.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual mode.

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.

Further, learned counsel for the petitioner is permitted



to make necessary correction in paragraph no. 1 of the bail application.

The petitioner is apprehending his arrest in connection with Sikandra P.S. Case No. 06/2021 for the offence registered under Sections 341, 323,307, 504 and 506/34 of the I.P.C.

The prosecution case, in brief, is that on 01.01.2021 at about 10.00 A.M., the accused persons including the petitioner started assaulting the informant Binod Paswan and in course of assault, Vikash Paswan gave Iron rod blow upon the head of the informant and due to which, he sustained head injury. The accused persons also threatened the informant for dire-consequences. The reason for the occurrence is old enmity.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per allegation, a single Iron rod blow is alleged to have given by the petitioner and there is no repetition on the part of the petitioner. Nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is attracted in the present case. Rests of offences are triable by the Magistrate. The case has been instituted after four days of the alleged occurrence.



Delay has not been explained by the prosecution.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the 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, 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 the learned J.M. Ist Class, Jamui, or his successor, in connection with Sikandra P.S. Case No. 06/2021, 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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