

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31823 of 2021

Arising Out of PS. Case No.-66 Year-2021 Thana- KOTWALI District- Patna

SHAMBHU KUMAR, aged about 45 years, Male, Son of Bharat Prasad,
Resident of Shop No. 1, Hari Niwas Complex, Bailey Road, Dackbangla,
P.S.- Kotwali, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-01-2022 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.

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.

The petitioner is apprehending his arrest in connection
with Special No. 166/2021 (arising out of Kotwali P.S. Case No.
66/2021) for the offence registered under Sections 341, 504,
353/34 of the I.P.C. and Section 135 of the Electricity Act, 2003.



The prosecution story, in brief, is that on 06.02.2021, the informant, who is an Assistant Engineer, Electricity Department, went to attend a complaint of a customer in Hari Niwas Complex. It is said that one Shambhu Kumar (petitioner) and Ravi Kumar obstructed them in their work and also resorted to abusing him.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. There was a scuffle which took place between the tenant, who is the petitioner, and the informant. The informant belongs to the Electricity Department. No grievous injury is said to have been caused to the informant in course of occurrence.

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 Special Judge, PESU Area, Patna, in connection with Spl. No. 166/2021 (arising out of Kotwali P.S. Case No. 66/2021), 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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