

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32316 of 2021

Arising Out of PS. Case No.-125 Year-2018 Thana- JANDAHA District- Vaishali

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DHANNU RAI @ DHANNU YADAV, aged about 37 years, Male, S/O Late
Ramprit Ray, R/o village- Laguraon Bilanpur, P.S.- Mahua, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate

For the Opposite Party : Mr. Sanjay Kumar Sharma, A.P.P.

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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.

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 Jandaha P.S. Case No. 125 of 2018 for the offence
registered under Section 392 of the I.P.C.

The allegation is of robbery of a Pick-up Van loaded
with Perfume Sticks (*Agarbatti*).



It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per prosecution case, 3-4 miscreants are alleged to have looted Pick-up Van which was loaded with *Agarbatti*. The name of the petitioner has transpired in the present case on self confession made by the petitioner recorded under Section 161 of Cr. P.C. in connection with some other case. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. Nothing incriminating article has been recovered from possession of the petitioner.

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 A.C.J.M.-XI, Vaishali at Hajipur, in connection with Jandaha P.S. Case No. 125 of 2018, 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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