

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35877 of 2021

Arising Out of PS. Case No.-279 Year-2020 Thana- RANIYATALAB District- Patna

ASHOK KUMAR Son of Ram Chandra Saw Resident of Village - Mohalla - Pareo, P.S.- Bihta, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

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 APP for the State through virtual mode.

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.

The petitioner is apprehending his arrest in connection with Ranitalab P.S. case No.279 of 2020 registered under Sections 336, 353, 427 and 34 of the Indian Penal Code and Sections 3 and 4 of the Public Property Damage Act.

Allegation is that Broadson company and its



employees broke canal wall at different places and constructed road for transportation of sand.

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 made accused in this case due to mistake of fact. The petitioner is the Director of Company, which is known and styled as Broadson company, which is involved in mining of sand. As per the allegation, while the sand was being carried, certain damages were made to the canal. It is further submitted that the petitioner is ready to deposit an amount of Rs.1,00,000/- (Rupees one lac) in the court below, which shall be subject to the final disposal of the case.

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 facts and circumstances, **the petitioner, above named, is directed to deposit an amount of Rs.1,00,000/- (Rupees one lac) in the court below, which shall be subject to the final disposal of the case.** On doing so, 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 II, Danapur, Patna in connection with Ranitalab P.S. case No.279 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)

Narendra/-

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