

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34930 of 2021**

Arising Out of PS. Case No.-479 Year-2019 Thana- SUPAUL District- Supaul

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Prawej Khan @ Prewaj Khan, Male, aged about 25 years, Son Of Manna Khan @ Md. Manna Kha, R/O Village- Nauhatta (Purvi), P.S.- Nauhatta, District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Amarnath Jha, Advocate

For the Opposite Party : Mr. Rajeev Nayan, A.P.P.

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

2 10-02-2022 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.

The petitioner is apprehending his arrest in connection with Supaul P.S. Case No. 479 of 2019, for the offence registered under Sections 356 and 379 of the I.P.C.

The prosecution story, in brief, is that on 27.07.2019



at 8.30 O'clock in the night, the informant was coming home at *Ghore Kataiye* from *Bairo Chauk*. On the way, near *Rupauli Petrol Pump*, he stopped for payment of dues to the *Betel Shop Keeper*. Meanwhile, he saw that six criminals on two Motorcycles took petrol. Thereafter, the informant proceeded towards the village in the light of his Mobile near *Kataiya Brahmsthan*, one criminal on Motorcycle took his Mobile. All six criminals started fleeing away towards *Bairo Nauhatta*. Villagers informed the police and they chased the criminals. The police party came from *Bairo* and apprehended three criminals who were on one Motorcycle near *Rupauli Petrol Pump*. The informant also reached there. They disclosed their names as Mikile, Arsadan Khan, Rajesh Kumar Roy, Munna Khan, Raja and Prawej Khan (petitioner). Arsad Khan disclosed that Md. Raja snatched the Mobile. One Motorcycle bearing Registration No. BR 50F-2758, firearms and cartridge were also seized.

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. The name of the petitioner has transpired in the present case merely on the basis of disclosure made by co-



accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. There is no recovery of any incriminating article from possession of the petitioner.

On behalf of the State, it is 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.-I, Supaul, in connection with Supaul P.S. Case No. 479/2019, 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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