

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41595 of 2021

Arising Out of PS. Case No.-7 Year-2020 Thana- ASHTHAWAN District- Nalanda

1. Rabindra Paswan @ Rabo S/O Late Binda Paswan R/O Village-Jethiar, P.S.-ASTHAWAN, District-Nalanda.
2. Chandan Kumar S/O Rabo @ Rabindra Paswan R/O Village-Jethiar, P.S.-Asthawan, District-Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-01-2022 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 petitioners and learned APP for the State through virtual mode.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Counsel for the petitioner seeks permission to withdraw the present application on behalf of petitioner No.2, as the petitioner No.2 has been taken into judicial custody.



Permission is accorded.

The application filed on behalf of petitioner No.2 is dismissed as withdrawn.

The petitioner No.1 is apprehending his arrest in connection with Asthawan P.S. case No.07 of 2020 registered under Sections 147, 148, 149, 341, 323, 332, 333, 353, 379, 307, 356, 504/34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioner No.1 assaulted the police party.

It has been submitted on behalf of the petitioner No.1 that the petitioner No.1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No.1. The petitioner No.1 has falsely been implicated in the present case. A scuffle is said to have taken place between the police party and the local residents for a petty reason. Co-accused persons have been granted anticipatory bail vide Annexure 2 to the present application by a Co-ordinate Bench of this Court.

On behalf of the State, it is submitted that the petitioner No.1 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 No.1, 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 C.J.M., Nalanda, Bihar Sharif in connection with Asthawan P.S. case No.07 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 No.1 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.

Narendra/-

(Sudhir Singh, J)

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