

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45428 of 2021**

Arising Out of PS. Case No.-229 Year-2021 Thana- GARKHA District- Saran

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ARVIND KUMAR @ ARVIND KR. SINGH S/o AGINDEV SINGH R/o
VILLAGE-MARICHA, P.S-GARKHA, DISTRICT-SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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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.

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.

Heard learned counsel for the petitioner and the State
through virtual mode.

The petitioner is apprehending his arrest in Garkha P.S.
Case No. 229 of 2021 registered under Sections 447, 341, 323,
427, 353, 504/34 of the Indian Penal Code and ¾ of Damage of
Public Property Act.

Allegedly, the accused persons entering the office of



electricity centre, destroyed furniture, tore papers which caused loss of Rs. 1.77 lakhs. Electricity supply is also said to have been stopped.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. An scuffle is said to have taken place between the local residents and the officials of electricity department. Electricity is also said to have been stopped in local area. Altogether 4 persons along with 35-40 unknown persons have been made accused in the present case. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner.

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 aforesaid facts and circumstances of the case, 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 Shri Chandra Bose Kumar Singh, learned Judicial Magistrate-Ist Class, Saran at Chapra in connection with Garkha P.S. Case No. 229 of 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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