

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45232 of 2021**

Arising Out of PS. Case No.-263 Year-2019 Thana- KAHALGAON District- Bhagalpur

SATYAM KUMAR MANDAL @ SATYAM KUMAR S/o Late Chandradeep
Mandal R/o village- Rampur, P.S.- Kahalgaon (Shivnarayanpur), District-
Bhagalpur

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal
For the Opposite Party/s : Mr. Nagendra Prasad

**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 Kahalgaon
(Shivnarayanpur) P.S. Case No. 263 of 2019 registered under
Sections 147, 149, 353, 307, 341, 323, 427 of the Indian Penal
Code.



Allegedly, a truck dashed a school bus causing injury to some of the students. A protest was made by local residents and police was also attacked.

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 falsely implicated in the present case. Altogether 8 persons along with 100-150 unknown persons have been made accused in the present case. A truck is said to have dashed a school bus as a result of which, some school students received injuries. A protest was made by the local residents against the police party. A scuffle is said to have taken place between the local residents and police party. General and omnibus allegation has been made 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 learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 263 of 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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