

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55462 of 2021

Arising Out of PS. Case No.-358 Year-2021 Thana- KANTI District- Muzaffarpur

1. Rajesh Roy S/O Binod Rai Resident Of Village- Laskaripur, P.S.- Kanti, District-Muzaffarpur
2. Akhilesh Roy S/O Binod Rai Resident Of Village- Laskaripur, P.S.- Kanti, District-Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Jagdhara Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-01-2022 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 seeks permission of the Court to withdraw this application in respect of petitioner no. 2 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 2.

Heard learned counsel for the petitioner no. 1 and learned APP for the State through virtual mode.

Learned counsel for the petitioner no. 1 is directed to remove the defects, as pointed out by the Office, within a period of



four weeks after restoration of normalcy.

The petitioner no. 1 is apprehending his arrest in Kanti P.S. Case No. 358/21 registered under Sections 363 and 365/34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons took the son of the informant from his house and later the son of the informant went missing.

It has been submitted on behalf of the petitioner no. 1 that he 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. The victim had left his house along with the petitioner out of his own will. Hence, no case of abduction is made out in the present case. Subsequently, dead body of the victim was found. Hence, a suspicion has been raised against the petitioners. At best, it is a case of last seen on the basis of which suspicion has been raised. Except for this, there is no other substantive evidence to suggest implication of petitioner no. 1 in the present case.

On behalf of the State, it is submitted that the petitioner no. 1 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 no. 1, 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 learned A.C.J.M. -2nd West, Muzaffarpur in connection with Kanti P.S. Case No. 358/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner 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.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

