

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54379 of 2021

Arising Out of PS. Case No.-305 Year-2021 Thana- MANER District- Patna

MANOJ KUMAR Son of Lakshuman Rai Resident of Village - Gyaspur, P.S.-
Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madahav Raj
For the Opposite Party/s	:	Mr.Shantanu Kumar, APP
For the Informant	:	Mrs. Usha Kumari NO. 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-01-2022 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 petitioner, learned APP
for the State and learned counsel for the informant 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 a case
registered under Sections 147, 341, 323, 324, 325, 326, 307, 109
and 506 of the Indian Penal Code and 27 of the Arms Act.



The prosecution allegation, in short, is that the accused persons, variously armed, fired at the informant due to which he sustained injuries

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 falsely been implicated in the present case. As per allegation, the petitioner is said to have provided pistol to the co-accused. As far as the allegation of assault is concerned, the same is against co-accused namely Dhananjay, who is alleged to have fired upon the informant. Prior to the institution of the present case, the father had instituted a case against the informant and others. The present case is an outburst of the earlier case.

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 learned Judicial Magistrate, Danapur, Patna in connection with Maner P.S. Case No. 305 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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