

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56158 of 2021

Arising Out of PS. Case No.-155 Year-2020 Thana- FULKAHA District- Araria

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KAPIL YADAV SON OF SRI JAGESHWAR YADAV Resident of Sonapur,
Ward No.13,P.S.- Bathnaha Out Post, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mrs.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 19-01-2022 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 and learned
APP for the State 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 Section 394 of the Indian Penal Code.

The prosecution allegation, in short, is that three
unknown miscreants came on motorcycle and looted Rs. 7,000/-
and mobile of the informant.



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. The petitioner is not named in the F.I.R. As per the prosecution case, the miscreants had come and committed robbery whereafter the informant disclosed the registration number of the motorcycle used in the robbery. As per the records, the said motorcycle in question belongs to the petitioner. It is further submitted on behalf of the petitioner that a petition has been filed on behalf of the informant in the Court below stating that he had wrongly mentioned the registration number of the motorcycle in the F.I.R.. The informant has retracted from his earlier statement made in the F.I.R.. The said application filed by the informant in the Court below is Annexure-2 to the present application.

On behalf of the State, it is submitted that the petitioner is not 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 Chief Judicial Magistrate, Araria in connection with Fulkaha P.S. Case No. 155 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 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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