

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56882 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- PUWAKHALI District- Kishanganj

ANIKET @ ANIKET KUMAR YADAV @ ANKIT, aged about 21 years,
Male, Son of Raj Kumar @ Raj Kumar Yadav, Resident of Village - Sarogora,
P.S.- Kishanganj, District - Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-01-2022 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
A.P.P. 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 connection
with Pauwakhali P.S. Case No. 05 of 2021 for the offence
registered under Section 394 of the I.P.C.

The prosecution case, in brief, is that the informant



was working as Senior Credit Officer in the Fino Bank of Bahadurganj. His Bank gives loans to the people of country side of village for which the informant go to the village countryside for recovery of 15 days. In the meantime, on 18.01.2021 at about 7.00 A.M., the informant was going to village for recovery then suddenly they ambushed near a semi-built house next to the Bamboo, three persons stopped the informant and started snatching his bag showing a pistol, when the informant protested they started beating and snatched his bag. In the bag, the informant collected Rs. 83,057/-and a Samsung Mobile, Tablet and Blue Tooth Speaker the criminal took it away. Age of three criminals between 25-30 years old.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per prosecution case, the belongings of the informant was looted by the miscreants. The petitioner is not named in the F.I.R. The name of the petitioner has come in the present case on the basis of confessional statement of co-accused recorded under Section 161 of Cr.P.C. made before the police. Except for this, there is no other substantive evidence to suggest the implication of the



petitioner in the present case. There is no recovery of any incriminating article from possession of the petitioner.

On behalf of the learned counsel for the State, it has been 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 the learned C.J.M. Kishanganj, in connection with Pauwakhali P.S. Case No. 05 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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