

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56873 of 2021

Arising Out of PS. Case No.-192 Year-2019 Thana- SIDHWALIYA District- Gopalganj

ANGAD KUMAR (M), aged about 23 years, S/O Surendra Singh, R/o
Village - Kishunpura, P.S. Lakri Nabiganj, O.P. District - Siwan.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party : Mr. Shailendra Kumar Singh, A.P.P.

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
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.

A supplementary affidavit has been filed on behalf of
the petitioner. The same may be kept on the record.

The petitioner is apprehending his arrest in connection
with Sidhwalia P.S. Case No. 192/2019 for the offence
registered under Section 392 of the I.P.C.



The prosecution case, in brief, is that a Consumer Service Center was running in the name of the informant. One Praduman Kumar who was working at the said Consumer Centre, came at the door of the informant on 05.10.2019 in the morning at 8.23 O' clock and demanded worth Rs. 20,000/- to distribute the customer. Thereafter, at 8.45 A.M. three unknown miscreants came there riding over two Apache Bike and said one woman is coming to withdraw money. Later on, one of the miscreants entered into the running shop of the informant and on the point of arms, took away cash Rs. 20,000/- from the locker of the shop and one of the miscreants took away H.P. Laptop and Mobile of the informant. Hence, the F.I.R.

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, three miscreants are alleged to have looted Rs. 20,000/- alongwith other belongings of the informant and his staff from the shop in question. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the 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 the 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 J.M. Ist Class, Gopalganj, in connection with Sidhwalia P.S. Case No. 192/2019, 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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