

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58552 of 2021**

Arising Out of PS. Case No.-58 Year-2021 Thana- IMADPUR District- Bhojpur

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PRAKASH SINGH @ PRAKASH KUMAR SINGH S/o Late Gagan Singh
R/o village- Bihta, P.S.- Imadpur, District- Bhojpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-02-2022 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 defect(s), 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 Imadpur P.S. case No.58 of 2021 registered under Sections
147, 149, 341, 323, 307, 504 of the Indian Penal Code and
Section 27 of the Arms Act.



The prosecution case, in short, is that the accused persons including the petitioner along with four unknown persons came with lathi, danda and co-accused Sudhanshu Singh, Salu Singh and Sonu Singh within intention to kill fired upon the informant, but luckily it did not hit the informant. Then co-accused Sonu Singh and Ramakant Singh assaulted the informant with lathi, due to which he received head injury and on hulla when the father of the informant came to save him, he was also assaulted by the accused persons.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. General and omnibus allegation has been made. Specific allegation of assault is alleged against the co-accused Sonu Singh and Ramakant Singh. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with clean hands. It has further been submitted that the informant of the present case has filed a petition in the court below, where he has retracted from his earlier statement made in



the F.I.R.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/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 facts and circumstances, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Judicial Magistrate, 1st class, Bhojpur at Ara in connection with Imadpur P.S. case No.58 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)

Narendra/-

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