

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6143 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- JAMUI District- Jamui

GUDDU GUPTA @ GUDDU KUMAR Son of Late Lakhanlal Modi
Resident of Maharjganj, P.S. and Dist. - Jamui. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh

For the Opposite Party/s : Mr.Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 27-01-2022 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 Sections 461 and 379 of the Indian Penal Code
in which sections 411/216 IPC was added later on.

The prosecution allegation, in short, is that batteries
were stolen from the shop of the informant.

It has been submitted on behalf of the petitioner that
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. A theft is said to have taken place in which batteries are said to have been stolen. Subsequently, the name of the petitioner has transpired on confession of co-accused. An old battery is said to have recovered from the shop of the petitioner. In this regard, it is submitted that the petitioner has an electronic shop and had an old battery which was used for the purpose of the shop. The said battery in question is claimed to be the stolen battery by the prosecution. It is further submitted that the battery in question has not been put on T.I.P. to ascertain whether the same is stolen property or not.

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, Jamui in connection with Jamui P.S. Case No. 274/2020, 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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