

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62268 of 2021

Arising Out of PS. Case No.-95 Year-2021 Thana- SAHEBPUR KAMAL District- Begusarai

SARVESH SINGH @ SIVESH SAMDARSHI, (Male), aged about 21 years,
Son of Sri Bablu Singh, Resident of Village - Rahua, P.s.- Sahebpur Kamal,
Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shambhu Sharan Kumar, Advocate
For the Opposite Party : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-02-2022 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
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 Sahebpur Kamal P.S. Case No. 95/2021, for the offence
registered under Sections 147, 148, 149, 342, 307 of the I.P.C.
and Section 25(1-b)a, 26 and 35 of the Arms Act. Later on,
Section 302 of the I.P.C. was also added.

The prosecution story, in brief, is that the petitioner



alongwith co-accused assaulted the son of the informant, Ranvijay Kumar, by means of bricks, iron rod and sticks which culminated into the injuries over the body of the victim. He was admitted in P.H.C., Sahebpur Kamal then he was referred to Sadar Hospital, Begusarai and thereafter he was admitted in Private Clinic at Begusarai for better treatment.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Earlier the case was instituted for an offence under Section 307 of the I.P.C. Later on, in course of treatment, the victim is said to have succumbed to the injury. Thereafter, Section 302 of the I.P.C. has been added in the present case.

On behalf of the State, it is submitted that the petitioner is 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., Begusarai, in connection with Sahebpur Kamal P.S. Case No. 95/2021, 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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