

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63623 of 2021

Arising Out of PS. Case No.-82 Year-2015 Thana- AMAS District- Gaya

SANTU KAHAR Son of Kapil Ram Resident of Village - Pindra, P.S. -
Amas, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-01-2022 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 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 Amas P.S. case No.82/2015 registered under Sections 147,
148, 149, 353, 332, 333, 307, 427, 379, 323, 325, 383 of the
Indian Penal Code and Section 27 of the Arms Act and Section
13 of Bihar Crime Control Act.



Allegation is that one person climbed on electric pole and got electrocuted. The villagers blocked the road and assaulted the police party.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the prosecution case, one of the persons climbed on the electric pole and got electrocuted. For the said reasons, the local residents blocked the road and subsequently scuffle took place between the police party and the local residents. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The name of the petitioner has transpired in this case on the disclosure made by the local Chaukidar. Altogether 37 named persons alongwith 150 unknown persons have been made accused in the present case.

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 Additional Chief Judicial Magistrate, Sherghati (Gaya) in connection with Amas P.S. case No.82/15, 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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