

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69535 of 2021

Arising Out of PS. Case No.-435 Year-2018 Thana- BUDDHACOLONY District- Patna

CHANDAN KUMAR Son of Satendra Paswan Resident of Village- Kakaria,
Post- Kalpa, P.S.- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pathak

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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.

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.

Heard learned counsel for the petitioner and the State
through virtual mode.

The petitioner is apprehending his arrest in Buddha
Colony P.S. Case No. 435 of 2018 registered under Sections
147, 148, 149, 188, 341, 342, 323, 325, 332, 333, 337, 338, 353,
427, 449, 450, 411, 452, 461, 120-B of the Indian Penal Code.

Allegedly, a trainee constable died during treatment. A



protest was made by her colleagues who are also trainee constables.

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 been falsely implicated in the present case. As per the prosecution case, one of the trainee constables died in course of treatment. The other constables made protest against the act of the police administration. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Altogether 167 named persons along with 300-350 unknown persons have been made accused in the present case. The other co-accused with similar allegation have been granted bail vide Annexure-2 series to the present application.

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 aforesaid facts and circumstances of the case, 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 Sub Judge-XVI-cum-Additional Chief Judicial Magistrate, Patna in connection with Buddha Colony P.S. Case No. 435 of 2018 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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