

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71487 of 2021**

Arising Out of PS. Case No.-420 Year-2021 Thana- CHAPRA TOWN District- Saran

SHESHNATH KUMAR Son of Late Hari Mohan Ram Resident of Village -
Dahiyawan Tola, Police Station - Chapra Town, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawnit Kumar Tiwary

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-01-2022 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 connection
with Chapra Town P.S. Case No. 420 of 2021 registered for the
offence under Sections-354/509 of the Indian Penal Code and
Section-37(b)(c) of the Bihar Prohibition and Excise Act, 2016.



Allegedly, co-accused Dharmendra Ram came to the house of informant in drunken state and began to abuse her daughter. It is further alleged that the petitioner tried to outrage modesty of the informant's daughter (victim).

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 been falsely implicated in the present case. As per allegation, the petitioner tried to misbehave with the victim (the informant's daughter). The same is denied by the petitioner. There is no recovery of liquor from possession of the petitioner. Due to village politics, the petitioner has 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 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Saran at Chapra in connection with Chapra Town P.S. Case No. 420 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)

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