

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71922 of 2021

Arising Out of PS. Case No.-305 Year-2021 Thana- MANER District- Patna

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AMIT KUMAR @ AMIT RAJ S/o Sri Manoj Kumar R/o village- Gyaspur,
P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Srivastava
For the Opposite Party/s : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-01-2022 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 147, 341, 323, 324, 325, 326, 307, 109, 506
of the Indian Penal Code and 27 of the Arms Act..

The prosecution allegation, in short, is that the accused
persons including the petitioner caught hold of the informant and one
of the co-accused fired upon the informant due to which he sustained



injuries. The accused persons also assaulted the family members of the informant.

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 due to political rivalry. The main allegation of assault is alleged against the co-accused Dhananjay who is alleged to have fired upon the informant. The alleged occurrence is said to have taken place in respect of the election of Mukhiya. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. The F.I.R. has been instituted after 5 days of the alleged occurrence. The delay in lodging the case has not been explained by the prosecution. As far as petitioner is concerned, general and omnibus allegation has been made against him.

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 learned Judicial Magistrate, 1st Class, Danapur, Patna in connection with Maner P.S. Case No. 305 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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