

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17249 of 2021

Arising Out of PS. Case No.-514 Year-2017 Thana- CHAPRA TOWN District- Saran

PAWAN KUMAR SHARMA Son of Gorakh Chandra Sharma Resident of
Mohalla Sri Nandan Path, Rajendra Sarowan P.S. Chapra Town, District -
Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-01-2022 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 Nagar (Chapra
Town) P.S. Case No. 514 of 2017 registered under Section 302/34 of
the Indian Penal Code and 27 of the Arms Act.

Prosecution case in short is that the accused persons called and
accompanied the informant’s son but the informant’s son did not



return till night. In the morning, next day of the alleged occurrence, the informant came to know that dead body of his son was lying near police Line Hawaii Adda nearby the railway track.

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 prosecution case, one son of Chipta Panwala is named in the FIR. Subsequently, in course of investigation, it came to light that Chipta Panwala is father of the petitioner and, on the basis of the said evidence, the petitioner has been made accused in the present case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the implication of the petitioner in the present case. At best, it is a case of last seen.

On behalf of the State, it is submitted that the petitioner is not 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 Chief Judicial Magistrate, Saran, Chapra in connection with Nagar (Chapra Town) P.S. Case No. 514 of 2017 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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