

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12192 of 2021

Arising Out of PS. Case No.-99 Year-2019 Thana- KHIRI MORE District- Patna

1. Laxman Yadav S/O Nawrang Yadav Resident Of Village Taranpur, P.S.-KHIRI More, District-Patna.
2. Chandra Bhushan @ Bhushan Yadav @ Chandra Bhushan Yadav S/O Laxman Yadav Resident Of Village Taranpur, P.S.-KHIRI More, District-Patna.
3. Umakant @ Umakant Yadav S/O Laxman Yadav Resident Of Village Taranpur, P.S.-KHIRI More, District-Patna.
4. Arvind Yadav @ Arvind Kumar S/O Laxman Yadav Resident Of Village Taranpur, P.S.-KHIRI More, District-Patna.
5. Prem Ranjan Kumar S/O Umakant @ Umakant Yadav Resident Of Village Taranpur, P.S.-KHIRI More, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-02-2022 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 petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in Khiri More



P.S. Case No. 99 of 2019 registered for the offence under Sections 147, 148, 149, 341, 323, 384, 504, 506 of the Indian Penal Code.

Allegedly, the petitioners were trying to grab some part of informant's land without any reason and paper. It is further alleged that on 30-11-2019, while the informant reached there to sow mustard in his field, the female members of Naving Yadav started abusing and assaulting him and in the meantime, accused persons having armed with lathi, gadasa and country-made pistol attacked upon him with intent to kill.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. There is land dispute between the parties and due to that, present case has been instituted. The main allegation is against the co-accused namely, Navin Yadav. The petitioner No. 1 being father whereas petitioner Nos. 2, 3 & 4 being brothers of co-accused Navin Yadav, have been dragged in the present case. The petitioner No. 5 is said to be son of petitioner No. 3.

On behalf of the State, it is submitted that the petitioners are 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 petitioners, 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 their personal bonds to the satisfaction of Shri Manish Kumar, learned Judicial Magistrate-Ist Class, Danapur, District-Patna in connection with Khiri More P.S. Case No. 99 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners 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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