

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2785 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- MUFFASIL District- Aurangabad

Pankaj Yadav, aged about 35 years (Male), Son Of Late Yogendra Yadav, R/O Village- Bisaini, Kapasia, P.S.- Aurangabad Mufassil, District- Aurangabad (BIHAR)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Leelawati Kumari, Advocate
For the Opposite Party : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-02-2022 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 petitioner and learned A.P.P. 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 connection with Aurangabad Mufassil P.S. Case No. 236/2021 for the offence registered under Sections 143, 144, 145, 171 (f), 186, 188, 447, 448, 323, 332, 333, 337, 338, 307, 353, 504, 506 of



the I.P.C. and Sections 130, 131 and 132 of the Representation of People Act.

The prosecution case, in brief, is that the Mukhiya candidate Sandhya Devi, her husband-petitioner alongwith their supporters entered the premises of Polling Booth Nos. 144 and 145 and were threatening the voters to vote in their favour. The security personnel requested them to go outside the premises but the accused persons including the petitioner herein became furious. The petitioner called his supporters. Subsequently, 150-200 miscreants who were having *Lathi, Danda, Iron rod, bricks, stones* and illegal weapons, entered into the polling both with an intention to do bogus voting in their favour and started pelting stones over the police personnel as such two constables, namely, Kanhai Manjhi and Nagendra Prasad Yadav sustained injury. Following this aerial firing was ordered by the informant to take control of the situation.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The alleged occurrence is said to have taken place on the eve of *Panchayat Election*. It has been submitted on behalf of the petitioner that due to



political reason, the present case has been instituted. Altogether 18 named persons alongwith 100-200 unknown have been made accused in the present case. No specific overt act is alleged against the petitioner. General and omnibus allegation has been made against the petitioner. The petitioner happens to be the husband of the candidate who was contesting election for the *Mukhiya*.

On behalf of the learned counsel for the State, it has been 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 the learned S.D.J.M., Aurangabad



Mufassil, Aurangabad (Bihar), in connection with Aurangabad Mufassil P.S. Case No. 236/2021, 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)

U.K./-

U		T	
---	--	---	--

