

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13878 of 2021**

Arising Out of PS. Case No.-348 Year-2020 Thana- NARPATGANJ District- Araria

1. RAJU YADAV @ RAJENDRA YADAV S/O- Gurudev Yadav Resident of Village- Bibiganj, Ward No. -10, P.S. - Narpatganj, District - Araria.
2. Manoj Yadav S/o- Gurudev yadav Resident of Village- Bibiganj, Ward No. -10, P.S. - Narpatganj, District - Araria.
3. Rupesh Yadav S/O- Late Arvind Yadav Resident of Village- Bibiganj, Ward No. -10, P.S. - Narpatganj, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Gopal Kumar Jha  
For the Opposite Party/s : Md. Anzarul Haque, APP

**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 petitioners and learned APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 448, 341, 323, 354(B), 379, 504,



506/34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons including the petitioners entered into the house of the informant and misbehaved with the daughter of the informant and also looted ornaments and other belongings.

It has been submitted on behalf of the petitioners that the petitioner no. 3 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Prior to institution of the present case, a case was instituted by the mother of petitioner no. 3 against the informant and other accused persons. The present case is a counter blast to the earlier case instituted by the mother of petitioner no. 3. The alleged date of occurrence is 29.07.2020 for which case was instituted on 04.08.2020. The delay has not been explained by the prosecution. All the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioners are 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 petitioners, 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 their personal bonds to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 348 of 2020, (G.R. No. 2790/2020), 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) each 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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