

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14398 of 2021

Arising Out of PS. Case No.-173 Year-2018 Thana- NAWADA MUFFASIL District- Nawada

1. KAUSHAL KUMAR @ KAUSHAL YADAV Son of Rajendra Yadav Resident of Village - Hasanpur, P.S.- Giriyak, Distt.- Nalanda.
2. Bijendra Yadav @ Bijo Yadav Son of Munirak Yadav Resident of Village - Hasanpur, P.S.- Giriyak, Distt.- Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar
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.

Counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 1 namely, Kaushal Kumar @ Kaushal Yadav as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No.



1 namely, Kaushal Kumar @ Kaushal Yadav is dismissed as withdrawn.

The petitioner No. 2 is apprehending his arrest in Mufassil P.S. Case No. 173 of 2018 registered for the offence under Sections 147, 148, 149, 341, 323, 354(A), 504, 337 of the Indian Penal Code and 27 of the Arms Act.

Allegedly, the co-accused passed indecent comments on the wife of the informant. While it was prevented by the informant, the accused persons including the petitioner No. 2 started pelting stones on village of the informant. Firing was also made in course of the occurrence.

It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No. 2. The petitioner No. 2 has been falsely implicated in the present case due to local politics. General and omnibus allegation has been made against the petitioner No. 2. No specific overt act is alleged against the petitioner No. 2. No injury is said to have been caused by petitioner No. 2.

On behalf of the State, it is submitted that the petitioner No. 2 is 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 No. 2, 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, Nawada in connection with Mufassil P.S. Case No. 173 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 2 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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