

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15126 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- RAHUI District- Nalanda

JAY PRAKASH @ MITTHU YADAV SON OF ARJUN PRASAD Resident
of Village - Saidalli, P.S.- Rahui, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Raj Kishor Prasad, Advocate
For the State	:	Smt. Renu Kumari, APP
For the informant	:	Mr. Prashant Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-01-2022 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 petitioner, learned APP
for the State and learned counsel for the informant through
virtual mode.

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.

The petitioner is apprehending his arrest in connection
with Rahui P.S. case No.239 of 2020 registered under Sections
147, 148, 149, 341, 323, 324, 302 of the Indian Penal Code and



Section 27 of the Arms Act.

Prosecution case, in short, is that the accused persons including the petitioner assaulted the informant by means of fists and slaps and co-accused Dayanand Yadav took out pistol from his waist and fired upon the brother of the informant, due to which he fell down on the ground and he was taken to the Hospital for treatment, where the doctor declared him dead.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The main allegation of assault is alleged against the co-accused, namely, Dayanand Yadav, who is alleged to have fired upon the deceased. Rest of the accused persons including the petitioner is said to have used fists and slaps upon the deceased. No deadly weapon is said to have been used by the petitioner.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner 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 facts and circumstances, 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 A.C.J.M.-I, Nalanda at Bihar Sharif in connection with Rahui P.S. case No.239 of 2020, 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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