

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.15088 of 2021**

Arising Out of PS. Case No.-256 Year-2019 Thana- FATEHPUR District- Gaya

SHIV KUMAR YADAV Son of Bishun Yadav Resident of Village - Aranya  
Tola, Kasiyadih, P.S.- Fatehpur, Dist.- Gaya., Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dayanand Singh, Advocate  
For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER**

3      15-02-2022                      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  
APP for the State 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 Fatehpur P.S. case No.256 of 2019 registered under  
Sections 302, 120B read with 34 of the Indian Penal Code.

Prosecution case, in short, is that on 20.11.2019 at 6  
p.m. while returning from the market the informant got an



information that his brother was shod dead, then he rushed to that place and found his dead body in the paddy field of Komal Yadav.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner, deceased and the informant, all are own brothers. In the F.I.R., the informant had named the accused persons merely on the basis of suspicion. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in this case on statement made by the son and wife of co-accused in the present case. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. There is no eye witness to the alleged occurrence nor there is any motive alleged against the petitioner for committing the said occurrence.

On behalf of the State, it is submitted that the petitioner is not 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. Xth, Gaya in connection with Fatehpur P.S. case No.256 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 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)**

Narendra/-

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