

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12177 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- GURARU District- Gaya

1. SANTOSH YADAV @ SANTOSH KUMAR NANDAN Son of Gokhul Yadav Resident of Village - Gudru Mathiya, P.S.- Guraru, Distt.- Gaya.
2. Gariban Yadav Son of Late Chhathan Yadav Resident of Village - Gudru Mathiya, P.S.- Guraru, Distt.- Gaya.
3. Mahendra Yadav Son of Late Chandradeo Yadav @ Late Chanderdev Yadav Resident of Village - Gudru Mathiya, P.S.- Guraru, Distt.- Gaya.
4. Rajendra Yadav Son of late Chandradeo Yadav @ Chanderdev Yadav Resident of Village - Gudru Mathiya, P.S.- Guraru, Distt.- Gaya.
5. Upendra Yadav Son of late Chandradeo0 Yadav @ Late Chanderdev Yadav Resident of Village - Gudru Mathiya, P.S.- Guraru, Distt.- Gaya.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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.

The petitioners are apprehending their arrest in Guraru P.S. Case No. 74 of 2020 registered for the offence under Sections 147, 149, 323, 341, 308, 504 and 506 of the Indian Penal Code.

Allegedly, in the backdrop of land dispute, the accused



persons assaulted the informant and well as her husband, two brothers-in-law and nephew by means of lathi/danda as a result of which, they sustained injuries.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties in respect of irrigation of field. No specific overt act is alleged against the petitioners. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are 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 petitioners, 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 their personal bonds to the satisfaction of learned Judicial Magistrate-Ist Class, Gaya in connection with Guraru P.S. Case No. 74 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 petitioners 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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