

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17161 of 2021

Arising Out of PS. Case No.-341 Year-2019 Thana- BELAGANJ District- Gaya

1. SANTOSH KUMAR @ SANTOSH YADAV AND ORS Son of Chattar Yadav @ Surendra Yadav Resident of Village- Birbal Bigha,P.S.- Belaganj, District- Gaya.
2. Baudha Yadav Son of Chattar Yadav @ Surendra Yadav Resident of Village- Birbal Bigha,P.S.- Belaganj, District- Gaya.
3. Chattar Yadav @ Surendra Yadav Son of Munni Yadav Resident of Village- Birbal Bigha, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-01-2022 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 341, 323, 302 and 34 of the



Indian Penal Code.

The prosecution allegation, in short, is that when the informant and his father went to house of petitioner no. 1 for demanding of their labour charges, the accused persons including the petitioners assaulted the father of the informant and later his dead body was found in the field.

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 falsely been implicated in the present case. As per the prosecution case, there was a free fight between both the parties in respect of payment of wages. Subsequently, a petition has been filed in the Court below in which the informant has retracted from his earlier statement and stated that he does not want to pursue with the present case. The said application is Annexure-2 to the present application.

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 A.C.J.M.- 11th Gaya in connection with Belaganj P.S. Case No. 341/2019, 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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