

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17349 of 2021

Arising Out of PS. Case No.-283 Year-2020 Thana- RAHUI District- Nalanda

1. AZAD YADAV @ AZAD KUMAR S/o Nageshwar Yadav R/o Village- Barandi, P.S.- Rahui, District- Nalanda.
2. Nageshwar Yadav S/o Late Swaroop Yadav R/o Village- Barandi, P.S.- Rahui, District- Nalanda.
3. Bachchu Yadav @ Bachu Yadav S/o Ramdeo Yadav R/o Village- Barandi, P.S.- Rahui, District- Nalanda.
4. Niwas Kumar S/o Akhilesh Yadav R/o Village- Barandi, P.S.- Rahui, District- Nalanda.
5. Sonu Kumar S/o Nageshwar Yadav R/o Village- Barandi, P.S.- Rahui, District- Nalanda.
6. Rajveer Yadav @ Rajveer Kumar S/o Kamlesh Yadav R/o Village- Barandi, P.S.- Rahui, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-01-2022 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.

Learned counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner nos. 2 to 6 as they have been taken into judicial custody.

Permission is accorded.



The application is dismissed as withdrawn in respect of petitioner nos. 2 to 6.

Heard learned counsel for the petitioner no. 1 and learned APP for the State through virtual mode.

Learned counsel for the petitioner no. 1 is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioner no. 1 is apprehending his arrest in a case registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that the accused persons assaulted the informant and family members due to which they sustained injuries.

It has been submitted on behalf of the petitioner no. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 1. The petitioner no. 1 has falsely been implicated in the present case. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is



made out.

On behalf of the State, it is submitted that the petitioner no. 1 is 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 petitioner no. 1, 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 his personal bonds to the satisfaction of learned A.C.J.M. -1, Nalanda in connection with Rahui P.S. Case No. 283/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner no. 1 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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