

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17195 of 2021

Arising Out of PS. Case No.-186 Year-2020 Thana- BARH District- Patna

1. BHAGWAN YADAV @ BHANU PRATAP SINGH @ BHANU PRATAP YADAV Son of Sukh Nandan Yadav @ Sukhdev Yadav Resident of Village Bahrawan, P.S. Barh, District - Patna.
2. Randhir Yadav Son of Sukh Nandan Yadav @ Sukhdev Yadav Resident of Village Bahrawan, P.S. Barh, District - Patna.
3. Vinay Yadav @ Jhapo Yadav Son of Sukh Nandan Yadav @ Sukhdev Yadav Resident of Village Bahrawan, P.S. Barh, District - Patna.
4. Sukhnandan Yadav @ Sukhdev Yadav Son of Late Bal Govind Yadav Resident of Village Bahrawan, P.S. Barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap
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 and 3 as they have been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner nos. 2 and 3.

Heard learned counsel for the petitioner nos. 1 and 4 and learned APP for the State through virtual mode.



Learned counsel for the petitioner nos. 1 and 4 is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioner nos. 1 and 4 are apprehending their arrest in a case registered under Sections 341, 323, 307, ,504 and 34 of the Indian Penal Code.

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

It has been submitted on behalf of the petitioner nos. 1 and 4 that the they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 1 and 4. The petitioner nos. 1 and 4 have 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.

On behalf of the State, it is submitted that the petitioner nos. 1 and 4 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 petitioner nos. 1 and 4, 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. -1, Barh, Patna in connection with Barh P.S. Case No. 186/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 1 and 4 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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