

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17843 of 2021

Arising Out of PS. Case No.-99 Year-2020 Thana- ASHTHAWAN District- Nalanda

1. Upendra Yadav S/O Kishori Yadav R/O Village Palatpura, P.S. Manpur, District Nalanda
2. Niraj Kumar S/O Upendra Yadav R/O Village Palatpura, P.S. Manpur, District Nalanda
3. Pankaj Kumar S/O Upendra Yadav R/O Village Palatpura, P.S. Manpur, District Nalanda
4. Shobha Yadav S/O Sadhu Yadav R/O Village Palatpura, P.S. Manpur, District Nalanda
5. Subhash Yadav S/O Sadhu Yadav R/O Village Palatpura, P.S. Manpur, District Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr. Shashi Bhushan Kumar, APP

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 no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.



Heard learned counsel for the petitioner nos. 2 to 5 and learned APP for the State through virtual mode.

Learned counsel for the petitioner nos. 2 to 5 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. 2 to 5 are apprehending their arrest in a case registered under Sections 341, 323, 325, 307, 504, 34 and 379 of the Indian Penal Code .

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 nos. 2 to 5 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 2 to 5. The petitioner nos. 2 to 5 have falsely been implicated in the present case. Due to previous enmity, the present case has been instituted. 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 nos. 2 to 5 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. 2 to 5, 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 Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Asthawan P.S. Case No. 99/2020, 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. 2 to 5 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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