

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18146 of 2021

Arising Out of PS. Case No.-156 Year-2020 Thana- FALKA District- Katihar

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1. Babu Lal Yadav Son Of Late Anandi Yadav R/O Village- Dira Chandpur, P.S.- Falka, District- Katihar.
 2. Raju Yadav @ Raju Kumar Son Of Babu Lal Yadav R/O Village- Dira Chandpur, P.S.- Falka, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah, Advocate
For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-02-2022 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 learned APP for the State through virtual mode.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Further, learned counsel for the petitioners submits that in the cause title, due to typographical error, the name of petitioner No.1 has been typed as “Bablu Lal Yadav” in place of “Babu Lal Yadav”.

Let in the cause title, the words “Bablu Lal Yadav” be



corrected to be read as “Babu Lal Yadav”.

The petitioners are apprehending their arrest in connection with Falka (Pothia) P.S. case No.156/2020 registered under Sections 147, 148, 149, 323, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation is that the accused persons including the petitioners abused the informant and co-accused Amit Kumar Yadav, Laddu Yadav and petitioner No.2 Raju Yadav fired, but did not hit anyone.

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. General and omnibus allegation has been made against the petitioner No.1. No specific overt act is alleged against the petitioner No.1. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have not been explained by the prosecution. 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 facts and circumstances, 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 bond to the satisfaction of learned A.C.J.M.-I, Katihar in connection with Falka (Pothia) P.S. case No.156/2020, 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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