

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20031 of 2021

Arising Out of PS. Case No.-223 Year-2020 Thana- NARHATT District- Nawada

REENA KUMARI W/O SANJAY YADAV Resident of Village - Kusha , P.S.-
Narhat, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Birendra Kumar, Advocate
For the State	:	Mr.Yogendra Kumar, APP
For the informant	:	Mr.Bipin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-02-2022 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 petitioner, learned APP
for the State and learned counsel for the informant through
virtual mode.

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

The petitioner is apprehending her arrest in
connection with Narhat P.S. case No.223 of 2020 registered
under Sections 341, 323, 302, 201/34 of the Indian Penal Code.



Prosecution case, in short, is that the petitioner, her husband (Sanjay Yadav) and son (Vicky Kumar) assaulted father of Sanjay Yadav, namely, Kesho Prasad Yadav by lathi, danda and hockey stick. The deceased was taken to the Primary Health Centre, where he stated that husband of petitioner and son of petitioner had assaulted him.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. From perusal of the F.I.R. itself, it is apparent that the deceased in course of his treatment at the Primary Health Centre had stated that the husband of the petitioner and son of the petitioner had assaulted him. Accepting that statement made by the deceased while he was being treated at the Primary Health Centre, there is no allegation of assault alleged against this petitioner. The petitioner is a lady.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is 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 petitioner, 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 her personal bond to the satisfaction of Miss Rupa Rani, learned J.M. 1st class, Nawada in connection with Narhat P.S. case No.223/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner 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.

Narendra/-

(Sudhir Singh, J)

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