

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20371 of 2021

Arising Out of PS. Case No.-525 Year-2019 Thana- MASHRAK District- Saran

1. SUNIL KUMAR YADAV @ SUNIL RAI S/o Late Daroga Rai Resident of Village- Siyarbhukka, P.S.- Mashrak, District- Saran.
2. Anil Kumar Yadav @ Anil Rai S/o Late Daroga Rai Resident of Village- Siyarbhukka, P.S.- Mashrak, District- Saran.
3. Mithun Kumar @ Mithu Rai @ Mintu Kumar @ Mintu Rai S/o Late Brigue Rai Resident of Village- Siyarbhukka, P.S.- Mashrak, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No.1, 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.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.3, as the



petitioner No.3 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.3 is dismissed as withdrawn.

The petitioner Nos.1 and 2 are apprehending their arrest in connection with Mashrak P.S. case No.525 of 2019 registered under Sections 406, 420, 341, 323, 379, 504, 506/34 of the Indian Penal Code.

Prosecution case, in short, is that co-accused Suresh Rai took Rs.2.5 lacs from the informant in lieu of executing sale deed of land, but did not execute and sold it to someone else. The accused persons including the petitioner Nos.1 and 2 abused and assaulted the informant.

It has been submitted on behalf of the petitioner Nos.1 and 2 that the petitioner Nos.1 and 2 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.1 and 2. The petitioner Nos.1 and 2 have falsely been implicated in the present case. From perusal of the F.I.R. itself, it appears that the matter relates to sale and purchase of land. As per the allegation, co-accused Suresh Rai after taking the consideration money has not executed sale deed in favour of the informant. The matter relates



to civil dispute. From perusal of the F.I.R., it appears that no consideration money was made to the petitioner Nos.1 and 2, rather same was made to the co-accused Suresh Rai.

On behalf of the State, it is submitted that the petitioner Nos.1 and 2 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 petitioner Nos.1 and 2, 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., Saran at Chapra in connection with Mashrak P.S. case No.525 of 2019, 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 2 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)

Narendra/-

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