

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20064 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- PRATAPGANJ District- Supaul

1. LALAN KUMAR Son of Arun Yadav Resident of Village- Bhawanipur Uttar, Ward No. 14, P.S.- Pratapganj, District- Supaul.
2. Lal Kumar Yadav Son of Arun Yadav Resident of Village- Bhawanipur Uttar, Ward No. 14, P.S.- Pratapganj, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-01-2022 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.

Heard learned counsel for the petitioners and the State through virtual mode.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 2 namely Lal Kumar Yadav as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner



No. 2 namely Lal Kumar Yadav is dismissed as withdrawn.

The petitioner No. 1 is apprehending his arrest in a case registered under Sections 341, 323, 307, 333, 353, 504, 506, 34 of the Indian Penal Code.

Allegedly, while the police reached at the site to arrest the petitioners, it was protested by the petitioners and female members as also the villagers. Assault was also made in the occurrence.

It has been submitted on behalf of the petitioner No. 1 that there is no allegation of tampering of witnesses alleged against the petitioner No. 1. The petitioner No. 1 has been falsely implicated in the present case. There is no allegation of assault alleged against the petitioner No. 1. The nature of injury is said to be simple. No offence u/S 307 of the Indian Penal Code is made out.

On behalf of the State, it is submitted that the petitioner No. 1 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 aforesaid facts and circumstances of the case, the petitioner No. 1, 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 his personal bond to the satisfaction of learned Chief Judicial Magistrate, Birpur, Supaul in connection with Pratapganj P.S. Case No. 71 of 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 No. 1 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)

A.K.V.//-

U		T	
---	--	---	--

