

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19997 of 2021**

Arising Out of PS. Case No.-244 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

Shankar Yadav S/O Mahendra Yadav R/O Village-Tilkeshwar Tola Karain,
P.S-Kusheshwar Ashthan (O.P-TILKESHWAR), District-Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh

For the Opposite Party/s : Mr.Upendra Kumar, APP

Mr. Girish Chandra Jha Ashish

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 10-02-2022 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 and the State
through virtual mode.

The petitioner is apprehending his arrest in Kusheshwar
Asthana (K. Asthan) P.S. Case No. 244 of 2020 registered for the
offence under Sections 147, 148, 341, 323, 325, 384, 448, 354,
379, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

Allegedly, while the informant was sleeping at his
residence, the accused persons having armed with lathi, danda
and country-made pistol came there and started abusing him and



in consequence thereof, the accused persons are said to have assaulted the informant by fist and slaps. The petitioner and along with two co-accused are said to have made firing and demanded ransom of Rs. 50,000/-

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. General and omnibus allegation has been made against the petitioner. The specific allegation is against co-accused Sanjeev, Dilkhush and Vikash Mukhiya. The nature of injury is said to be simple.

On behalf of the State, 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 aforesaid facts and circumstances of the



case, 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 his personal bond to the satisfaction of Sri Mahendra Prasad, learned Additional Chief Judicial Magistrate-IV, Biraul, Darbhanga in connection with Kusheshwar Asthan (K. Asthan) P.S. Case No. 244 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 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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