

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21434 of 2021**

Arising Out of PS. Case No.-182 Year-2019 Thana- NATHNAGAR District- Bhagalpur

1. Anjay Yadav, aged about 40 years, Male, Son Of Late Tarni Yadav, R/O Village- Nayatola Mirjapur, P.S.- Madhusudanpur (Nathnagar), District- Bhagalpur.
2. Manohar Kumar Yadav @ Mantu Yadav, aged about 45 years, Male, Son Of Late Dinesh Yadav, R/O Village- Nayatola Mirjapur, P.S.- Madhusudanpur (Nathnagar), District- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Madan Mohan, Advocate
For the Opposite Party	:	Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-01-2022 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 learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in



connection with Nathnagar (Madhusudanpur) P.S. Case No. 182 of 2019 for the offence registered under Sections 147, 149, 341, 342, 323, 353, 307, 504 and 427 of the I.P.C.

The prosecution story, in brief, is that the police party received information that altercation and *Marpit* was going on between the residents of *Mandal Tola, Digghi* and *Yadav Tola* of Village-Mirzapur. It has further been alleged that the police party arrived at the place of occurrence and saw that all the 21 F.I.R. named accused persons including these petitioners and 20 unknown persons, having *lathi* and *danda* in their hands, were standing and 05 persons of other side from *Yadav Tola* alongwith 20 unknown persons were standing having *lathi* and *danda* in their hands. The police party tried to pacify both sides, but they became furious and started pelting stones and did *Marpit* in which two ladies of *Digghi Mandal Tola* got injured. Further allegation is that the petitioners alongwith others hurled filthy languages against the police party and gave *lathi* and *danda* blow on the head of the informant and also assaulted him.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the



petitioners. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. There was a scuffle which took place between the police party and local residents. Altogether 22 named persons alongwith 20 unknown have been made accused in this case. Other similarly situated co-accused have been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 45123 of 2019 under order dated 23.07.2019, annexed as Annexure-2 to the present application.

On behalf of the State, it is submitted that the petitioners are named in the 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, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks



from today, be released on anticipatory bail on their personal bonds to the satisfaction of the learned A.C.J.M.-Ist, Bhagalpur, in connection with Nathnagar (Madhusudanpur) P.S. Case No. 182 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 petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each 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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