

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21534 of 2021

Arising Out of PS. Case No.-295 Year-2019 Thana- MANJHI District- Saran

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1. VIKASH YADAV Son of Lakshman Yadav @ Laturaman Yadav Resident of village Bhabhauli, Police station - Manjhi, District - Saran at Chapra.
 2. Sukhari Yadav Son of Dhaneshwar Yadav Resident of village Bhabhauli, Police station - Manjhi, District - Saran at Chapra.
 3. Arjun Yadav Son of Lakshman Yadav @ Laturaman Yadav Resident of village Bhabhauli, Police station - Manjhi, District - Saran at Chapra.
 4. Munna Yadav Son of Nageshwar Yadav Resident of village Bhabhauli, Police station - Manjhi, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Punam Kumari Daughter of Bhagwan Rawat Resident of Bhabhauli, Police Station - Manjhi, District Saran at Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-02-2022 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 defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.



The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 324, 380, 427, 376/511 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons including the petitioner nos. 1 and 2 took victim into bush and tried to commit rape and other accused persons assaulted her.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The present case has been instituted on the basis of complaint case which was later on converted into F.I.R. under Section 156(3) of Cr.P.C. A petition has been filed by the informant in the Court below in which she has retracted from her earlier statement made in the F.I.R. The said contradiction between the two statements casts doubt upon the prosecution case. The said petition is 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 learned A.C.J.M.- XIV, Saran at Chapra in connection with Manjhi P.S. Case No. 295 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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