

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21624 of 2021**

Arising Out of PS. Case No.-83 Year-2020 Thana- HASANPUR District- Samastipur

1. LAL MOHAN YADAV Son of Sogarath Yadav @ Ramswarth Yadav  
Resident of Village - Larjha, P.S. - Bithan, District - Samastipur.
2. Kabita Devi Wife of Ravindra Yadav Resident of Village - Haripur, P.S. -  
Hasanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.A.G.

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

2      15-02-2022                      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.

The petitioners are apprehending their arrest in  
connection with Hasanpur P.S. case No.83 of 2020 registered  
under Sections 302/34 of the Indian Penal Code.



Prosecution case, in short, is that on 20.04.2020 while the informant was storing husk in his cattle shed, accused persons came there and petitioner Lal Mohan Yadav intervened and co-accused Shakunti Devi attacked upon the head of the informant's father by lathi, due to which he sustained head injury.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Petitioner No.2 is a lady.

On behalf of the State, it is submitted that the petitioners 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 petitioners, 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. III, Rosera, Samastipur in connection with Hasanpur P.S. case No.83/2020, 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) 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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