

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23386 of 2021**

Arising Out of PS. Case No.-256 Year-2020 Thana- MANSI District- Khagaria

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1. Ram Shekhar Kumar, Son of Shri Prabhu Narayan Yadav, Resident of Village- Amani, P.S.- Mansi, District- Khagaria.
 2. Prem Kumar @ Prem Shekhar Kumar, Son of Shri Prabhu Narayan Yadav, Resident of Village- Amani, P.S.- Mansi, District- Khagaria.
 3. Ratan Kumar @ Ratan Shekhar Kumar, Son of Shri Prabhu Narayan Yadav, Resident of Village- Amani, P.S.- Mansi, District- Khagaria.
 4. Brajesh Kumar @ Brajesh Yadav, Son of Shri Sikandar Yadav, Resident of Village- Amani, P.S.- Mansi, District- Khagaria.
 5. Amit Yadav @ Amit Kumar Yadav @ Amit Kumar, Son of Shri Arun Yadav, Resident of Village- Amani, P.S.- Mansi, District- Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party : Mr. Murlidhar, 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.

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

Learned counsel for the petitioners seeks permission



to withdraw the present anticipatory bail application filed on behalf of petitioner no. 3, namely, Ratan Kumar @ Ratan Shekhar Kumar and petitioner no. 5, namely, Amit Yadav @ Amit Kumar Yadav @ Amit Kumar as they have been taken into judicial custody in connection with Mansi P.S. Case No. 256/2020, G.R. No. 2777/2020, pending in the court of learned C.J.M. Khagaria.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 3, namely, Ratan Kumar @ Ratan Shekhar Kumar and petitioner no. 5, namely, Amit Yadav @ Amit Kumar Yadav @ Amit Kumar, is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 1, 2 and 4 and learned counsel for the State through Virtual mode.

Now, the petitioner nos. 1, 2 and 4 are apprehending their arrest in connection with Mansi P.S. Case No. 256 of 2020, G.R. No. 2777/2020 for the offence registered under Sections 147, 148, 149, 323, 307, 353, 504, 506 of the I.P.C., Section 27 of the Arms Act and $\frac{3}{4}$ of Prevention of Damage to Public Property Act.

The prosecution story, in brief, is that on 11.09.2020,



the S.H.O. got information on Mobile Phone that firing is going on at Village-Amni in between Mukesh Singh and Ram Shekhar Kumar due to land dispute, the police went there and later on S.H.O. also went there considering serious nature of occurrence and where the informant saw that government vehicle has been damaged and people were damaging it. The Mukhiya and local representative saved some police officer. Accused are named on the basis of video photography material and on the basis of information through *Chowkidar* and viral video.

It has been submitted by learned counsel for the petitioners that the petitioner nos. 1, 2 and 4 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 them. General and omnibus allegation has been made against them. No specific overt act is alleged against them. There was a scuffle which took place between the police party and local residents. Their names have transpired in the present case on the basis of disclosure made by local *Choukidar*. Except for this, there is no other substantive evidence to suggest their implication in the present case.

On behalf of the State, it is submitted that the petitioner nos. 1, 2 and 4 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, (except petitioner no. 3, namely, Ratan Kumar @ Ratan Shekhar Kumar and petitioner no. 5, namely, Amit Yadav @ Amit Kumar Yadav @ Amit Kumar), 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 C.J.M., Khagaria, in connection with Mansi P.S. Case No. 256/2020, G.R. No. 2777/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 1, 2 and 4 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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