

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22721 of 2021

Arising Out of PS. Case No.-179 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

1. Arvind Yadav, aged about 32 years, (Male), Son of Nagina Yadav, Resident of Village- Amara Talab, P.S.- Sasaram (M), District- Rohtas.
2. Santosh Sah, aged about 34 years, (Male), Son of Radha Sah, Resident of Village- Amara Talab, P.S.- Sasaram (M), District- Rohtas.
3. Jay Prakash Sah, aged about 37 years (Male), Son of Dadan Sah, Resident of Village- Amara Talab, P.S.- Sasaram (M), District- Rohtas.
4. Dashrath Paswan, aged about 47 years (Male), Son of Rameshwar Paswan, Resident of Village- Amara Talab, P.S.- Sasaram (M), District- Rohtas.
5. Sonu Kahar, aged about 27 years (Male), Son of Jitendra Kahar, Resident of Village- Amara Talab, P.S.- Sasaram (M), District- Rohtas.
6. Kallu Kahar, aged about 32 years, Male, Son of Late Kedar Kahar, Resident of Village- Amara Talab, P.S.- Sasaram (M), District- Rohtas.
7. Munna Kahar, aged about 40 years (Male), Son of Late Kedar Kahar, Resident of Village- Amara Talab, P.S.- Sasaram (M), District- Rohtas.
8. Babu Yadav, aged about 42 years (Male), Son of Lakshan Yadav, Resident of Village- Amara Talab, P.S.- Sasaram (M), District- Rohtas.
9. Shekhar Yadav, aged about 24 years (Male), Son of Babunand Yadav, Resident of Village- Amara Talab, P.S.- Sasaram (M), District- Rohtas.
10. Chandan Gupta, aged about 38 years (Male), Son of Ramesh Gupta, Resident of Village- Amara Talab, P.S.- Sasaram (M), District- Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rajani Kant Singh, Advocate
For the Opposite Party : Mr. Parmanand Kumar, 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 four weeks after restoration of normalcy.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner no. 1, namely, Arvind Yadav, as he has been taken into judicial custody in connection with Sasaram (M) P.S. Case No. 179 of 2018, pending in the court of learned C.J.M., Rohtas at Sasaram.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner no. 1, namely, Arvind Yadav, is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 2 to 10 and learned A.P.P. for the State through Virtual mode.

Now, the petitioner nos. 2 to 10 are apprehending their arrest in connection with Sasaram (M) P.S. Case No. 179 of 2018 for the offence registered under Sections 147, 148, 149, 323, 337, 338, 307, 353 of the I.P.C. and Section 27 of the Arms Act.



The prosecution story, in brief, is that on 06.10.2018 at 10.00 PM., the informant on getting information that for establishing the supremacy, some quarrel and firings were going on in between the parties, the informant and other police personnel reached at the place of occurrence. Thereafter, seeing the police party, both groups fled away having pelting stones and in course of occurrence, *Choukidar* sustained injury on his leg. The informant came to know through confidential sources that the petitioners and 20 unknown persons of Village-Amara Talab and Amit Pasi, Santosh Thakral, Rajesh Chandrabanshi, Manoj Chaudhary, Santosh Khatik, Sipahi Chaudhary, Nepali and others of Village-Karwandiya and 20-25 unknown people were making firing due to which, general public got affected.

It has been submitted by learned counsel for the petitioner nos. 2 to 10 that petitioner nos. 3, 4, 5, 9 and 10 have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner nos. 2 to 10. General and omnibus allegation has been made against them. No specific overt act is alleged against them. Their names have come in the present case on the basis of secret information. The source and genuineness of secret information has not been disclosed by the prosecution. There was a scuffle which took



place between the two different groups of the same locality.

On behalf of the State, it is submitted that the petitioner nos. 2 to 10 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 are 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 petitioner nos. 2 to 10, above named, (except petitioner no. 1, namely, Arvind Yadav), 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., Rohtas at Sasaram, in connection with Sasaram (M) P.S. Case No. 179 of 2018, 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. 2 to 10 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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