

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24057 of 2021

Arising Out of PS. Case No.-1347 Year-2011 Thana- COMPLAINT CASE District- Banka

1. Bisheshwar Yadav S/O Late Dhiro Yadav R/O Village-Mainbaran, Police Station-Banka, District-Banka.
2. Manorma Devi D/O Bisheshwar Yadav R/O Village-Mainbaran, P.S.-BANKA, District-Banka.
3. Binod Yadav Son Of Bisheshwar Yadav Resident Of Village Mainbaran, Police Station Banka, District Banka
4. Manoj Yadav @ Manoj Kr. Yadav S/O Ganouri Yadav Resident Of Village Hahagora, Police Station Banka, District Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Badri Yadav S/O Late Kadru Yadav R/O Village-Bhalua Damgi, Police Station-Banka, District-Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
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.

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.

Heard learned counsel for the petitioners and the State through virtual mode.

The petitioners are apprehending their arrest in Complaint



Case No. C-1347 of 2011 (arising out of Banka P.S. Case No. 145 of 2009) registered under Sections 302, 201/34 of the Indian Penal Code.

Prosecution case in short is that son of the complainant was killed by accused persons. The complainant suspects the involvement of the petitioners in the said occurrence.

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 been falsely implicated in the present case. The present prosecution is based upon the complaint case. Merely suspicion has been raised against the petitioners. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioners in the present case. There is no eye witness to the alleged occurrence.

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 aforesaid facts and circumstances of the case, 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 bonds to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Complaint Case No. C-1347 of 2011 (arising out of Banka P.S. Case No. 145 of 2009) 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)

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