

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39935 of 2021

Arising Out of PS. Case No.-223 Year-2020 Thana- PANCHRUKHI District- Siwan

1. DINESH KUMAR YADAV S/o Suresh Yadav @ Suresh Choudhary R/o village- Phalpura, P.S. G.B. Nagar (Tarwara), District - Siwan.
2. Rajesh Kumar S/O Suresh Yadav @ Suresh Choudhary R/o village- Phalpura, P.S. G.B. Nagar (Tarwara), District - Siwan.
3. Suresh Yadav @ Suresh Choudhary S/o Late Brahma Yadav R/o village- Phalpura, P.S. G.B. Nagar (Tarwara), District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udit Narayan Singh
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-01-2022 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 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 Pachrukhi P.S. Case No. 223 of 2020 registered under Sections 341, 323,



324, 325, 379, 307, 353, 504, 506/34 of the Indian Penal Code.

Allegedly, petitioners and others snatched notice of Section-107 Cr.P.C. from hand of informant. The accused persons assaulted the informant and caught the hair of informant's wife and dragged her.

It has been submitted on behalf of the petitioners that the petitioner Nos. 2 & 3 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 nature of injury is said to be simple. From perusal of the order of learned Sessions court, it appears that the informant has appeared in the court below and has retracted from his earlier statement made in the FIR.

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, let 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 Additional Chief Judicial Magistrate-VI, Siwan in connection with Pachrukhi P.S. Case No. 223 of 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)

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