

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28946 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- LAXMIPUR District- Jamui

1. PANCHANAND YADAV S/o Narayan Yadav R/o Village- Domachak, P.S.- Laxmipur, District- Jamui.
2. Nunlal Yadav @ Nundev Yadav S/o Narayan Yadav R/o Village- Domachak, P.S.- Laxmipur, District- Jamui.
3. Laturi Yadav S/o Narayan Yadav R/o Village- Domachak, P.S.- Laxmipur, District- Jamui.
4. Ganesh Yadav @ Gama Yadav S/o Narayan Yadav R/o Village- Domachak, P.S.- Laxmipur, District- Jamui.
5. Dablu Yadav @ Bablu Yadav S/o Narayan Yadav R/o Village- Domachak, P.S.- Laxmipur, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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.

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 Laxmipur P.S. case No.307 of 2020 registered under Sections 147, 148, 149, 307, 353, 447 of the Indian Penal Code and Section 27 of the Arms Act and Sections 4 and 8 of Prevention of Damage of Public Properties Act, 1984, Sections 26(2) of the Bihar Public Land Encroachment Act, 1956, Section 33 of Indian Forest Act, 1927 and Section 15 of Environment Protection Act, 1986.

Allegation is that the accused persons including the petitioners along with 15-20 unknown persons armed with weapons arrived on motorcycles and tractors and were ploughing the forest land. The police personnel reached to stop the accused persons, they opened firing on the police party.

It has been submitted on behalf of the petitioners that the petitioner Nos.2 and 4 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. The allegation is in respect of cultivation of forest land by the local residents. For the said reason, scuffle took place between the local residents and the police party. The names of the petitioners have transpired in this case on the disclosure made by local residents. Except for this, there is no



other substantive evidence to suggest the implication of the petitioners in this case.

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 Chief Judicial Magistrate, Jamui in connection with Laxmipur P.S. case No.307 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)

Narendra/-

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