

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42498 of 2021

Arising Out of PS. Case No.-300 Year-2020 Thana- BELAGANJ District- Gaya

1. ANUJ SINGH @ ANUJ YADAV @ MITHILESH KUMAR S/O Ram Lakhan Yadav R/o N.H. 83, Kanchanpur, P.S. - Belaganj, Dist. - Gaya.
2. VIVEK KUMAR GUPTA @ GUDDU Son of Naresh Sao Resident of Village - Shekha Bigaha, P.S. - Belaganj, Dist. - Gaya.
3. SANTOSH YADAV @ SANTOSH KUMAR Son of Kapildev Prasad Resident of Village - Bataspur, P.S. - Belaganj, Dist. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-01-2022 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 Belaganj P.S. case No.300 of 2020 registered



under Sections 147, 148, 149, 341, 323, 353, 385 of the Indian Penal Code.

Allegation is that the petitioners assaulted guards, who were guarding truck loaded with illegal sand and co-accused put pistol on the head of the police.

It has been submitted on behalf of the petitioners that the petitioner No.1 has 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. General and omnibus allegation has been made against the petitioner. Altogether 8 persons alongwith 5-6 unknown persons have been made accused in the present case. As per the allegation, co-accused is alleged to have taken the truck from the police custody, on which illegally procured sand was loaded.

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 Additional Chief Judicial Magistrate II, Gaya in connection with Belaganj P.S. case No.300 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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