

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8271 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- PRATAPGANJ District- Supaul

1. MAUSAM KUMAR @ MAUSAM KUMAR YADAV Son of Kamal Narayan Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
2. Bhushan Kumar @ Bhushan Kumar Bhaskar Son of Kamal Narayan Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
3. Randhir Yadav Son of Guneshwar @ Guneshwar Yadav @ Bindeshwar Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
4. Arvind Yadav @ Arvind Kumar Yadav Son of Guneshwar @ Guneshwar Yadav @ Bindeshwar Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
5. Kamal Narayan Yadav Son of Late Rashik Lal Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
6. Buchi Yadav @ Buchi Prasad Yadav Son of Late Rashik Lal Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
7. Guneshwar @ Guneshwar Yadav @ Bindeshwar Yadav Son of Late Rashik Lal Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
8. Ramprasad Yadav @ Ram Prasad Yadav Son of Late Rashik Lal Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
9. Bauanand Yadav Son of Late Baldev Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
10. Kamleshwari Yadav Son of Late Baldev Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
11. Deepak Kumar Yadav Son of Buchi Yadav @ Buchi Prasad Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
12. Rajkishore Yadav @ Raj Kishore Pd. Yadav Son of Ramprasad Yadav @ Ram Prasad Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
13. Ramanand Yadav Son of Late Upendra Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
14. Dharmendra Yadav @ Dhurvendra Yadav Son of Late Upendra Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.
15. Jaiparkash Yadav Son of Late Khatter Yadav Resident of Village- Gadhiya, Ward No. 14, Police Station- Pratapganj, District- Supaul.

... .. Petitioner/s



Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 20-01-2022 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 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 Pratapganj
P.S. Case No. 28 of 2020 registered under Sections 341, 323,
324, 307, 379, 504, 506/34 of the Indian Penal Code.

Allegedly, while the informant was going to get his niece
treated by Para Medical village level doctor, he was illegally
detained by the accused persons and Rs. 8200/- was snatched
away. Assault was also made in the present case by the accused
persons upon the informant.

It has been submitted on behalf of the petitioners that the



petitioner Nos. 7, 8, 9, 10 and 12 to 15 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. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties for a petty reason. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands.

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 Sub Divisional Judicial Magistrate, Birpur, Supaul in connection with Pratapganj P.S. Case No. 28 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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