

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48954 of 2021

Arising Out of PS. Case No.-190 Year-2021 Thana- MUFFASIL District- West Champaran

1. RAGHUNATH YADAV S/o- LATE MANGAL YADAV the dealer under Public Distribution System within Genauli, Panchayat, Block- Bettiah, District- West Champaran. Resident of Village- Ganauli, P.S.- Bettiah Muffasil, District- West Champaran.
2. Sandeep Kumar Son of Sri Bhupendra Yadav Resident of Village- Ganauli, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-01-2022 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 Bettiah Muffasil P.S. case No.190 of 2021 registered under Sections 353, 504, 506/34 of the Indian Penal Code and Section 7 of the Essential Commodities ACT.



Allegation is that the petitioners carried government FCI grains from the godown and 270 kgs wheat and 170 kgs rice are recovered from the house of the petitioners.

It has been submitted on behalf of the petitioners that the petitioner No.2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been made accused due to mistake of fact. The petitioner No.1 is P.D.S. dealer and petitioner No.2 is his grand son. The allegation is that the food grains for public distribution was kept by the petitioners at their house, instead being kept at the P.D.S. shop. The counsel for the petitioners further submits that the petitioners are ready to deposit jointly an amount of Rs.30,000/- (Rupees thirty thousand) in the court below, which shall be subject to the final disposal of the 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**



are directed to deposit jointly an amount of Rs.30,000/- (Rupees thirty thousand) in the court below, which shall be subject to the final disposal of the case. On doing so, 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, West Champaran at Bettiah in connection with Bettiah Muffasil P.S. case No.190 of 2021, 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.

Narendra/-

(Sudhir Singh, J)

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