

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55952 of 2021

Arising Out of PS. Case No.-562 Year-2019 Thana- DEHRI TOWN District- Rohtas

Raja Yadav @ Himanshu Raj Son Of Luxaman Singh R/O Village- Pali Road,
Mahabir Bigha, P.S.- Dehri, District- Rohtas (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2022 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 petitioner and learned
APP for the State through virtual mode.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Dehri Nagar P.S. case No.562/2019 registered under
Sections 147, 148, 149, 323, 307, 353 of the Indian Penal Code
and Section 27 of the Arms Act.

Prosecution case, in short, is that when the police tried



to demolish illegal crusher machine, the accused persons protested.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the prosecution case, the police party were trying to remove the encroachment, there was protest by the local residents and scuffle is said to have taken place between the parties. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The name of the petitioner has transpired in this case on disclosure made by the local Chaukidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Altogether 17 named persons alongwith 150 unknown persons have been made accused in the present case.

On behalf of the State, it is submitted that the petitioner is 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 petitioner, 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 his personal bond to the satisfaction of 1st Class Judicial Magistrate Smt. Aditi Gupata, Dehri-on-Sone, Rohtas at Sasaram in connection with Dehri Nagar P.S. case No.562/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner 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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