

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57775 of 2021

Arising Out of PS. Case No.-89 Year-2020 Thana- NADI P.S. District- Patna

-
1. TUTU YADAV @ TUTU KUMAR Son of Biraju Yadav Resident of Village - Sabalpur, P.S. - Nadi, District - Patna.
 2. SIYA RAM KUMAR Son of Sri Keta Ray Resident of Village - Gulamhiyachak, P.S. - Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Rajesh Kumar

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.

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.

Heard learned counsel for the petitioners and the State through virtual mode.

The petitioners are apprehending their arrest in Nadi P.S. Case No. 89 of 2020 registered under Sections 147, 148, 149, 188, 341, 323, 307, 353, 332, 337, 338, 427 and 504 of the



Indian Penal Code.

Allegedly, a person was caught in suspicion of killing and throwing the dead body into the river. While the police came and tried to get the suspected person in custody, the villagers protested and pelted stones.

It has been submitted on behalf of the petitioners that the petitioners 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. As per prosecution case, merely on the basis of suspicion, the police was trying to apprehend a person who is alleged to have thrown a dead body of a person into the river. The local residents protested against the said act of the police and a scuffle is said to have taken place between the parties. Altogether 15 persons along with 40-50 unknown persons have been made accused in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners.

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, 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 bonds to the satisfaction of learned Chief Judicial Magistrate, Patna City, Patna in connection with Nadi P.S. Case No. 89 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)

A.K.V.//-

U		T	
---	--	---	--

