

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7276 of 2021

Arising Out of PS. Case No.-403 Year-2020 Thana- NATHNAGAR District- Bhagalpur

1. RAJENDRA YADAV SON OF NARESH YADAV Resident of Village - Manoharpur, P.s.- Madhusudanpur, Distt.- Bhagalpur.
2. Shambhu yadav Son of Naresh Yadav Resident of Village - Manoharpur, P.s.- Madhusudanpur, Distt.- Bhagalpur.
3. Mithun Yadav @ Mithun Kumar Yadav Son of Shambhu Yadav Resident of Village - Manoharpur, P.s.- Madhusudanpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

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 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 Nathnagar (Madhusudanpur) P.S. case



No.403/20 registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

Allegation is that co-accused Suman Kumar Yadav @ Rajesh Yadav armed with iron rod came at the house of the informant and demanded money and when the informant protested, said co-accused called other accused persons, who armed with lathi, rod, pistol, came and started assaulting. Co-accused Suman Kumar Yadav @ Rajesh Yadav assaulted the informant with iron rod, as a result of which he sustained head injury and when the father of the informant came to save him, co-accused Rajesh Yadav assaulted him, due to which he sustained injury on his hand and when the brother and cousin brother of the informant came to save, the accused persons assaulted them, as a result of which they sustained injuries.

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 falsely been implicated in the present case. Specific allegation of assault is alleged against the co-accused, namely, Suman Kumar Yadav @ Rajesh Yadav. So far the petitioners are concerned, general and omnibus allegation has been made against them. No specific overt act is



alleged against the petitioners. There is admitted land dispute between the parties. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have 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 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 C.J.M./A.C.J.M. 1st, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. case No.403/20, 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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