

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10528 of 2021

Arising Out of PS. Case No.-527 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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1. NEEL YADAV @ KUMAR NEEL Son of Harendra Yadav Resident of mohalla - Men church Road, Park Lane, Christian Quarter, P.S. - Bettiah Town, District - West Champaran.
 2. Keshav Yadav @ Keshav Kumar Son of Harendra Yadav Resident of mohalla - Men church Road, Park Lane, Christian Quarter, P.S. - Bettiah Town, District - West Champaran.
 3. Raghav Yadav @ Raghvendra Kumar Son of Harendra Yadav Resident of mohalla - Men church Road, Park Lane, Christian Quarter, P.S. - Bettiah Town, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh 1, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-02-2022 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 Town (Kalibagh O.P.) P.S. case No.527/2020 registered



under Sections 147, 148, 149, 341, 327, 323, 385, 387, 504, 506 of the Indian Penal Code.

Prosecution case, in short, is that co-accused Harendra Yadav used to demand Rs.5 lacs with threatening that he will capture the house and land of the informant. The accused persons including the petitioners started construction on the land of the informant.

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. The petitioners are students, who are pursuing their studies at different educational centre. Petitioner Nos.1 and 2 are studying at Dehradun and petitioner No.3 is studying at Moscow (Russia). Both the parties are neighbours and due to some dispute in respect of the land, the present case has been instituted. Prior to institution of the present case, a complaint was made vide Annexure 2 to the present application and the present case is nothing, but counter blast to the earlier complaint.

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., Bettiah, West Champaran in connection with Bettiah Town (Kalibagh O.P.) P.S. case No.527/2020, 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)

Narendra/-

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