

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65146 of 2021

Arising Out of PS. Case No.-3 Year-2014 Thana- PHENHARA District- East Champaran

DEVENDRA KUMAR YADAV @ DEVENDRA RAI Son of Mudrika Rai
R/o Village - Bathana, P.S.- Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi, Advocate
For the Opposite Party/s : Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-01-2022 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 Phenhara P.S. case No.03 of 2014 registered under Section
392 of the Indian Penal Code.

Prosecution case, in short, is that four unknown
persons looted the tractor of the informant.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. 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, four unknown persons are said to have looted the tractor of the informant. The name of the petitioner has transpired in this case on the basis of confessional statement of co-accused recorded under Section 161 Cr.P.C. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. There is no recovery of any incriminating article from the possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is not 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 learned A.C.J.M. 12, East Champaran at Motihari in connection with Phenhara P.S. case No.03/2014, 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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