

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45448 of 2023**

Arising Out of PS. Case No.-315 Year-2021 Thana- NOORSARAI District- Nalanda

1. RAJA RAM YADAV @ MANNA YADAV SON OF RAM BILASH YADAV RESIDENT OF VILLAGE- PRAHLAD NAGAR, PS- NOORSARAI, DIST- NALANDA
2. RAMESH KUMAR SON OF RAM BILASH YADAV RESIDENT OF VILLAGE- PRAHLAD NAGAR, PS- NOORSARAI, DIST- NALANDA
3. SUBASH KUMAR SON OF SRI CHAND YADAV RESIDENT OF VILLAGE- PRAHLAD NAGAR, PS- NOORSARAI, DIST- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      04-08-2023      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners apprehend their arrest in connection with Noorsarai P.S. Case No. 315 of 2021 for the offence registered under sections 147, 148, 149, 188, 341, 323, 333, 337, 338, 353, 356, 357, 307 and 427 of the Indian Penal Code, section 27 of the Arms Act and section 3 of the Prevention of Damage to Public Property Act and section 51 of the Disaster Management Act lodged on 14.09.2021 by the informant, Birendra Chaudhary.

As per the prosecution story, during the Covid-19



period, allegation is that around 11 P.M. a dance programme was going on and the locals gathered there. As there was Covid protocol issued by the Government, the police intercepted but in return, they got stones and brick bats. Accordingly, the FIR.

Learned counsel for the petitioner submits that 100 to 250 persons have been rounded off, they being one of them.

Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 2,000/- each on their own to the Chief Minister's Relief Fund and receipt thereof to be submitted at the time of execution of bail bond, if they gets the relief.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that they have not only violated the Covid-19 protocol, upon request by the police to stop, also tried to assault them.

Considering the fact that the petitioners along with other violated the Covid-19 protocol, this Court was not inclined to extend them privilege of anticipatory bail but since number of people have been rounded off, they being one of them, do not have criminal antecedent and the undertaking given by the learned Counsel for the petitioners that they will be depositing Rs. 2,000/- each to the Chief Minister's Relief Fund, as stated



above, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIIth, Nalnada at Biharsharif in connection with Noorsarai P.S. Case No. 315 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds

With the aforesaid observations, the anticipatory bail application stands allowed.

**(Rajiv Roy, J)**

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