

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20641 of 2020

Arising Out of PS. Case No.-205 Year-2019 Thana- JALE District- Darbhanga

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1. SAHANA KHATOON Wife of Md. Abdul Hasan @ Abdul Hasan
 2. Md. Ali Hasan Son of Md. Nezam
 3. Md. Alkama, son of Md. Nezam
- All residents of village Diphopatti, P.S.- Jale (Jalley), District- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra
For the Opposite Party/s : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 31-08-2020 Due to 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 petitioner is directed to remove the defects, as pointed out by the Office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

Heard learned counsel for the petitioners and learned APP for the State.

A supplementary affidavit has been filed on behalf of the petitioners annexing page 2 of the main bail application as



Annexure-4 to the supplementary affidavit. The same be kept on record.

The petitioners are apprehending their arrest in a case registered under Sections 426, 427, 341, 323, 324, 447, 448, 504, 506 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons assaulted the informant and his family members due to 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. Prior to the institution of the present case, a case was instituted by the accused side upon the informant and others. The date of occurrence is said to be 26.11.2019 for which F.I.R. was instituted on 6.12.2019. The delay in lodging the F.I.R. has not been explained by the prosecution. The order of the Sessions Court does not indicate whether the injury caused on the victim is grievous or simple. The petitioner no. 1 is a lady.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./complaint case.

Considering the facts and circumstances of the case



and also the lockdown, the petitioners above named, in the event of arrest or surrender before the learned Court below within a period of eight weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned A.C.J.M., Darbhanga in connection with Jale (Jalley) P.S. Case No. 205 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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