

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11843 of 2021

Arising Out of PS. Case No.-995 Year-2019 Thana- ARARIA District- Araria

1. Badruddin, aged 45 years, (M), Son of Quddus, Resident of Village - Hridyapur - Itahara, Ward No. -05, P.S. - Araria(R.S.), Dist. - Araria.
2. Md. Jumman, aged 38 years, (M), Son of Quddus, Resident of Village - Hridyapur - Itahara, Ward No. -05, P.S. - Araria(R.S.), Dist. - Araria.
3. Md. Mozib, aged 48 years, (M), Son of Late Abbas, Resident of Village - Hridyapur - Itahara, Ward No. -05, P.S. - Araria(R.S.), Dist. - Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party	:	Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2022 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 A.P.P. for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Further, learned counsel for the petitioners is permitted to make necessary correction in paragraph no. 1 of the



present bail application.

The petitioners are apprehending their arrest in connection with Araria P.S. Case No. 995 of 2019 for the offence registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the I.P.C.

The prosecution story, in brief, is that on 14.11.2019 at about 7.30 hours while the informant was ploughing his field by *Tractor* situated 5 *Jarib* away from his hose, all the F.I.R. named accused persons armed with deadly weapon came there and started abusing and on the order of co-accused Qudus, co-accused Kalim assaulted with *Iron rod* on the hand of the informant. On hulla, when the family members of the informant came there to rescue him then Badruddin (petitioner no. 1) and co-accused Wasi with intent to kill assaulted his son, namely, Jafar, with *Sword*, as a result of which, he sustained head injury. Mozib (petitioner no. 3) assaulted the brother of the informant with *rod*, Jumman (petitioner no. 2) assaulted the nephew of the informant, nemely, Mansor, with *Sword* and rest accused persons assaulted with *Lathi* and *Danda*. The informant further alleged that co-accused Qudus took away Rs. 5,000/- from the pocket of his son and co-accused Md. Raji snatched gold chain from the neck of his nephew worth Rs. 45,000/-. Seeing the



villagers and other family members, the accused persons fled away.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the 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 aforesaid facts and circumstances, the petitioners, above named, in the event of arrest/surrender



before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of the learned C.J.M., Araria, in connection with Araria (R.S.) P.S. Case No. 995 of 2019, 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) each 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)

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