

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14506 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- BARSOI District- Katihar

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EHTESAM @ AYAHTASAM S/o Safikul Haque @ Md. Shafiqui Haque
Resident of Village- Raghunathpur, P.S.- Barsoai, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Arvind Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-01-2022 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 defects, as pointed out by the Office, within a period
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case
registered under Sections 341, 323, 308, 379, 354, 504, 506/34
of the Indian Penal Code.

The prosecution allegation, in short, is that accused
persons including the petitioner pressed the neck of the



informant and one of the co-accused assaulted on his head.

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 allegation, the petitioner is alleged to have pressed neck of the informant. It is further alleged that the other co-accused namely Anwar Alam is said to have given lathi blow on the head of the informant causing a grievous injury. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. It has further been submitted on behalf of the petitioner that the said Anwar Alam has already been granted anticipatory bail by the Sessions Court by the same order by which the anticipatory bail of this petitioner has been rejected. From perusal of the order passed by the Sessions Court, it appears that there is substance in the submissions advanced on behalf of the petitioner. So far as petitioner is concerned, no injury is said to have been caused by him. The allegation of assault and the injury sustained by the informant is attributed against the co-accused namely Anwar Alam who has



been granted anticipatory bail by the Court below itself by a common order. It has further been submitted that there is a land disputed between the parties.

On behalf of the State, it is submitted that the petitioner is 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 petitioner, 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 his personal bonds to the satisfaction of learned A.C.J.M. -1st Katihar in connection with Barsoi P.S. Case No. 180/2020, 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)

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