

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12606 of 2021

Arising Out of PS. Case No.-218 Year-2019 Thana- NAWADA District- Nawada

1. MD. ZAHIR @ MD. ZAHIR ALAM S/o Late Md. Sattar R/o village-Khankhanapur, P.S.- Hisua, District- Nawada
2. Md. Rizwan Alam @ Jago @ Md. Rizwan Ansari S/o Md. Jahangir Alam R/o village- Khankhanapur, P.S.- Hisua, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N. A. Shamsi, Advocate

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

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 petitioners and learned APP for the State through virtual mode.

The petitioners are apprehending their arrest in connection with Nawada Nagar P.S. case No.218 of 2019 registered under Sections 363, 366(A)/34 of the Indian Penal Code.

Allegation is that the daughter of the informant went to appear in the matriculation examination and after



examination co-accused Md. Neyaz abducted her. The petitioners are associates of co-accused Md. Neyaz.

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. The petitioners have falsely been implicated in the present case. The victim has been recovered. Her statement under Section 164 of Cr.P.C. has been recorded. From perusal of the statement made by the victim, it appears that the main allegation is against the co-accused Md. Neyaz. The petitioner has not been named by the victim. There is no allegation of sexual abuse alleged by the victim.

On behalf of the State, it is submitted that the petitioners are 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 petitioners, 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 their personal bond to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Nagar P.S. case No.218 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) 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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