

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17864 of 2021

Arising Out of PS. Case No.-636 Year-2020 Thana- ARARIA District- Araria

1. Rakesh Kumar @ Rakesh Kumar Singh S/O Jagdish Singh R/O Mahboob Khan Tola, P.S And District-Purnia
2. Mahboob Alam @ Mahmud Alam S/O Jainul Awadin R/O Village-Azad Nagar Kusiyaogaon, P.S-Araria, District-Araria.
3. Mahngu Miya @ Mahngu Alam S/O Late Alauddin R/O Village-Ajam Nagar Kusiyaogaon, P.S-Araria, District-Araria.
4. Abdul Sattar @ Pantalo @ Md. Patali @ Sattar S/O Alauddin R/O Village-Ajam Nagar Kusiyaogaon, P.S-Araria, District-Araria.
5. Jahangir Miya @ Jahabgir S/O Mangu Miya R/O Village-Ajam Nagar Kusiyaogaon, P.S-Araria, District-Araria.
6. Md. Monajor @ Monazor S/O Jahangir Miya R/O Village-Ajam Nagar Kusiyaogaon, P.S-Araria, District-Araria.
7. Md. Shamser Alam @ Md. Shamser S/O Abdul Sattar @ Patali R/O Village-Ajam Nagar Kusiyaogaon, P.S-Araria, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-02-2022 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 APP for the State through virtual mode.

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 are permitted to make necessary correction in prayer portion of the present application.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 341, 323, 379, 385, 188, 506 and 504 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons demanded extortion from the informant and petitioner took Rs. 5,000/- from the pocket from the informant.

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. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. The allegation of demand of extortion is denied by the petitioners. Prior to the institution of the present case, a case was instituted by petitioner no. 2 against the informant. The present case is nothing but a counter blast to the earlier case instituted by petitioner no. 2. There is a land dispute also between the parties and for the said reason, a false case has been



instituted against the petitioners.

On behalf of the State, it is 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 learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 636 of 2020, 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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