

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18778 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- KIUL District- Lakhisarai

1. Dharo Manjhi @ Dharmendra Kumar S/O Late Chalitar Manjhi Resident Of Village-Gulni Darhishir, P.S.-KIUL, District-Lakhisarai.
2. Sikandar Manjhi S/O Late Sipahi Manjhi Resident Of Village-Gulni Darhishir, P.S.-KIUL, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Singh, Advocate
For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-02-2022 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.

Supplementary affidavit has been filed on behalf of the petitioners enclosing the statement of the victim recorded under Section 164 of Cr.P.C. Same be kept on the record.

The petitioners are apprehending their arrest in connection with Kiul P.S. case No.138/2020 registered under Sections 363, 366(A) of the Indian Penal Code.



Prosecution case, in short, is that while the daughter of the informant was going to attend call of nature, the petitioners along with co-accused abducted her.

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, where she has named one Ghutan Manjhi. The petitioners have not been named by the victim. The alleged occurrence is said to have taken place on 07.11.2020 and the case was instituted on 10.11.2020. The delay has not been explained by the prosecution.

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, Lakhisarai in connection with Kiul P.S. case No.138/2020, 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) 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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