

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19273 of 2021

Arising Out of PS. Case No.-18 Year-2019 Thana- HABIBPUR District- Bhagalpur

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1. Bibi Shahzadi Wife Of Md. Haidar Ali R/O Village- Bhatuabari, P.S.- Habibpur, Dist.- Bhagalpur
 2. Md. Shakil Son Of Md. Haidar Ali R/O Village- Bhatuabari, P.S.- Habibpur, Dist.- Bhagalpur
 3. Md. Akil Son Of Md. Haidar Ali R/O Village- Bhatuabari, P.S.- Habibpur, Dist.- Bhagalpur
 4. Md. Chotu Son Of Md. Haidar Ali R/O Village- Bhatuabari, P.S.- Habibpur, Dist.- Bhagalpur
 5. Md. Multan @ Multan Son Of Balli Mistry R/O Village- Bhatuabari, P.S.- Habibpur, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr. Shailendra Kumar Singh, 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 the State through virtual mode.

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



The petitioners are apprehending their arrest in Habibpur P.S. Case No. 18 of 2019 registered for the offence under Sections 341, 323, 504, 506, 379, 336, 435, 436/34 of the Indian Penal Code.

Allegedly, in the backdrop of land dispute, the accused persons came to the house of informant and assaulted him. In the second episode of the occurrence, at night, the accused persons started brick batting as well as stone pelting and some ornaments were said to have been looted away.

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 been falsely implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Prior to institution of the present case, a case (Annexure-2 to the present application) was instituted by petitioner No. 3 against the informant. The present case is nothing but the counter blast of the earlier case instituted by the petitioner No. 3. There is admitted land dispute between the parties and for the said reason, the present false case has been instituted against the petitioners.



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 aforesaid facts and circumstances of the case, 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 bonds to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Bhagalpur in connection with Habibpur P.S. Case No. 18 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)

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