

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22455 of 2021

Arising Out of PS. Case No.-230 Year-2019 Thana- RAGHOPUR District- Supaul

1. MD JAKIR HUSSAIN Son of Late Abdul Motalib Resident of Village - Sourajan, Ward No.7, P.S.- Raghapur, Distt.- Supaul.
2. Md. Haidar Ali @ Haidar Ali Son of Late Mohammad Ali Resident of Village - Sourajan, Ward No.7, P.S.- Raghapur, Distt.- Supaul.
3. Md. Kaushar Ali @ Md. Kaishar Ali Son of Late Mohammad Ali Resident of Village - Sourajan, Ward No.7, P.S.- Raghapur, Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-02-2022 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.

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.

Heard learned counsel for the petitioners and the State through virtual mode.

The petitioners are apprehending their arrest in Raghapur P.S. Case No. 230 of 2019 registered under Section



302, 120(B)/34 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case in short is that dead body of brother of the informant was found lying near the vegetable market.

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. The names of the petitioners have transpired in this case merely on the basis of suspicion. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioners in the present case. After investigation, the police submitted final form against the petitioners. The petitioners were not sent up for trial. The court below differed with the police report and took cognizance 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 Sub Divisional Judicial Magistrate, Birpur, Supaul in connection with Raghapur P.S. Case No. 230 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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