

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19330 of 2021

Arising Out of PS. Case No.-584 Year-2020 Thana- NATHNAGAR District- Bhagalpur

1. Bibi Mela @ Farjana Khatoon @ Laila W/O Amanat Ansari R/O Haldi Bari, Champanagar, P.S- Nathnagar, Dist- Bhagalpur.
2. Amanat Ansari Son Of Late Jamil Ansari R/O Haldi Bari, Champanagar, P.S- Nathnagar, Dist- Bhagalpur.
3. Md. Manzoor Son Of Late Md. Chand Ali R/O Haldi Bari, Champanagar, P.S- Nathnagar, Dist- Bhagalpur.
4. Md. Kaishar Son Of Md. Manzoor R/O Haldi Bari, Champanagar, P.S- Nathnagar, Dist- Bhagalpur.
5. Md. Haidar Son Of Md. Manzoor R/O Haldi Bari, Champanagar, P.S- Nathnagar, Dist- Bhagalpur.
6. Md. Sajid Son Of Md. Manzoor R/O Haldi Bari, Champanagar, P.S- Nathnagar, Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, 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 Nathnagar P.S. Case No. 584 of 2020 registered for the offence under Sections 341, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code.

Allegedly, all the accused persons having armed with weapon entered into house of the informant by breaking lock of the house and after locking the gate from inside, started beating the informant with iron rod with intention to kill him. When the wife of the informant woke up and rushed to rescue the informant, the petitioners and other unknown accused persons are said to have started beating her by means of lathi as well as iron rod and torn her clothes.

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. Prior to institution of the present case, a case (Annexure-3 to the present application) was instituted by petitioner No. 1 against the informant. The present case is nothing but the counter blast of the earlier case instituted by the petitioner No. 1. The offences are triable by the Magistrate.



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-Ist, Bhagalpur in connection with Nathnagar P.S. Case No. 584 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) 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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