

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20988 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- JIYAPOKHAR District- Kishanganj

Imtiyaj Alam @ Md Imtiyaj Alam Son Of Sabir Alam Resident Of Village-
Jiyapokhar Koia P.S. Jiapokhar District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

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.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

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

The petitioner is apprehending his arrest in connection
with Jiyapokhar P.S. case No.4 of 2020 registered under
Sections 147, 149, 341, 323, 324, 307, 332, 333, 353, 120(B) of
the Indian Penal Code. Later on, Section 302 of I.P.C. has been
added.



Prosecution case, in short, is that a scuffle took place at India-Nepal Border between cattle smugglers and SSB and in course of which two of the SSB sustained injury and in course of treatment one of the SSB died.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. The case was instituted against five named persons alongwith 20-25 unknown persons. There is no direct evidence that has come in course of investigation to implicate the petitioner in the present case. Other co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide Cr.Misc.No.21317 of 2021.

On behalf of the State, it is submitted that the petitioner is not 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 petitioner, 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 his personal bond to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Jiyapokhar P.S. case No.04 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 petitioner 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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