

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20306 of 2021**

Arising Out of PS. Case No.-480 Year-2020 Thana- BANKA District- Banka

1. Shamsheer @ Md. Shamsheer S/O Late Rabul Ansari R/O Village-Navtolia, P.S. And District-Banka.
2. Idrish Mian @ Md. Idrish Ansari S/O Late Ghafoor Ansari R/O Village-Navtolia, P.S. And District-Banka.
3. Md. Afzal @ Afzal S/O Md. Haidar R/O Village-Navtolia, P.S. And District-Banka.
4. Ahmad Ansari @ Md. Ahmad Ansari S/O Late Habib Ansari R/O Village-Navtolia, P.S. And District-Banka.
5. Parwez Ansari @ Parwez S/O Rahmat Mian @ Rahim Mian R/O Village-Navtolia, P.S. And District-Banka.
6. Md. Minaz Ansari S/O Qaimuddin Ansari R/O Village-Navtolia, P.S. And District-Banka.
7. Monazir Mian @ Monazir Ansari S/O Gulzar Mian R/O Village-Navtolia, P.S. And District-Banka.
8. Azad Ansari @ Azad S/O Md. Isarafil @ Md. Elahim R/O Village-Navtolia, P.S. And District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Satish Chandra Mishra

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

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL ORDER

2      04-01-2022      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 eight weeks after restoration of normalcy.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner Nos. 2, 3, 4, 5 & 6 as during pendency of this application, they have been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner Nos. 2, 3, 4, 5 & 6 is dismissed as withdrawn.

The petitioner Nos. 1, 7 & 8 are apprehending their arrest in a case registered for the offence under Sections 147, 148, 149, 341, 323, 307, 353 and 504 of the Indian Penal Code and 27 of the Arms Act as also Section-3/4 of Explosive Substances Act.

Allegedly, while the police on the information about fighting of two groups reached at the place of occurrence, the assemblage of people was found there. The remains of trucks and stones were found. Some bricks and stains of bombs and blood were also found.

It has been submitted on behalf of the petitioner Nos. 1, 7 & 8 that there is no allegation of tampering of witnesses alleged against the petitioner Nos. 1, 7 & 8. The petitioner Nos. 1, 7 & 8



have been falsely implicated in the present case. There was fight between two groups of the village. General and omnibus allegation has been made against the petitioner Nos. 1, 7 & 8. No specific overt act is alleged against the petitioner Nos. 1, 7 & 8. Altogether 13 persons along with 25-30 unknown persons have been made accused in the present case.

On behalf of the State, it is submitted that the petitioner Nos. 1, 7 & 8 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 petitioner Nos. 1, 7 & 8, 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, Banka in connection with Banka P.S. Case



No. 480 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 Nos. 1, 7 & 8  
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)**

A.K.V.//-

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