

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20331 of 2021**

Arising Out of PS. Case No.-112 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

-
1. Md. Nihal Son Of Late Habibi Resident Of Village- Rahata, Police Station- Uda-Kishunganj, District-Madhepura
 2. Md. Ashif @ Tamij Son Of Late Basir Resident Of Village- Rahata, Police Station- Uda-Kishunganj, District-Madhepura
 3. Md. Taiyyab Son Of Md. Ido Resident Of Village- Rahata, Police Station- Uda-Kishunganj, District-Madhepura
 4. Md. Hasbul Son Of Md. Aleef Resident Of Village- Rahata, Police Station- Uda-Kishunganj, District-Madhepura
 5. Md. Faruque Son Of Late Md. Shabbir Resident Of Village- Rahata, Police Station- Uda-Kishunganj, District-Madhepura
 6. Md. Ishir @ Md. Insar Son Of Md. Saleem Resident Of Village- Rahata, Police Station- Uda-Kishunganj, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr. Ram Anurag 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 Udakishunganj P.S. Case No. 112 of 2020 registered for the offence under Sections 147, 148, 149, 341, 323, 504, 379, 427, 354 of the Indian Penal Code and 27 of the Arms Act.

Allegedly, the accused persons having armed with weapons came to the informant's house, opened fire in air and assaulted the female and the children there. The articles worth Rs. Ten lakhs were also looted away from the house of informant.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. Altogether 38 persons are named in the FIR. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands. There is admitted land dispute between the parties.

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, Udakishunganj, Madhepura in connection with Udakishunganj P.S. Case No. 112 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)

A.K.V.//-

U		T	
---	--	---	--

