

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23489 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- DAGARUA District- Purnia

1. Abdul Mannan @ Mannan Son Of Mansur R/O Village- Hatgachi, P.S.- Dagarua, Dist.- Purnea
2. Md. Rashid @ Rashid Son Of Mansur R/O Village- Hatgachi, P.S.- Dagarua, Dist.- Purnea
3. Md. Sanowar @ Sanowar Son Of Mansur R/O Village- Hatgachi, P.S.- Dagarua, Dist.- Purnea
4. Tohid Son Of Sakur R/O Village- Hatgachi, P.S.- Dagarua, Dist.- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

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 petitioners and the State through virtual mode.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to the petitioner No. 3 namely, Md. Sanowar @ Sanowar as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application filed with regard to the



petitioner No. 3 namely, Md. Sanowar @ Sanowar is dismissed as withdrawn.

The petitioner Nos. 1, 2 & 4 are apprehending their arrest in Dagarua P.S. Case No. 110 of 2020 initially registered under Sections 147, 148, 149, 341, 323, 307, 504 of the Indian Penal Code and later on, Section-302 of the Indian Penal Code was also added.

Prosecution case in short is that on 03-07-2020 the informant became ill. He was taken to Sadar Hospital, Purnea for treatment. In the way, the fuel of the motorcycle was exhausted. The informant's son went to bring fuel and his wife was standing near motorcycle. In the meanwhile, a person namely Sintu came there and asked the informant's wife that he is going to Purnea and requested her to sit on his motorcycle. Thereafter, the informant's wife seated on his motorcycle. In the way, she fell down from motorcycle and sustained injury. Later on, the informant's wife died in course of treatment. The postmortem of the dead body was not got conducted. A Panchayati was held on 12-07-2020. The informant reached at the place for Panchayati where the accused persons having armed with different weapons, were present from before. A hot discussion started and in consequence thereof, co-accused Wahid started assaulting him with lathi. Co-accused Hasnain assaulted the informant's son namely Arshad with iron Khanti on his head as a result of which, the informant's son sustained injury and fell down. The other family members of the informant came to interfere in the matter with a view



to save him, then the accused persons started assaulting as a result of which, they sustained injuries. They were taken to Sadar Hospital, Purnea for treatment and later on, the son of the informant died in course of treatment.

It has been submitted on behalf of the petitioner Nos. 1, 2 & 4 that they 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. General and omnibus allegation has been made against the petitioner Nos. 1, 2 & 4. Specific allegation is against co-accused namely Hasnain who is alleged to have assaulted the deceased by means of Khanti.

On behalf of the State, it is submitted that the petitioner Nos. 1, 2 & 4 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, 2 & 4, 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 Chief Judicial Magistrate, Purnea in connection with Dagarua P.S. Case No. 110 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, 2 & 4 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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