

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24080 of 2021

Arising Out of PS. Case No.-29 Year-2018 Thana- PIPRA District- Supaul

1. MD. JAHRUL MANSOORI @ MD. JAHIRUDIN MANSOORI S/O- Md. Kitab Ali Resident of Village - Maheshpur, Ward no. 11, P.S. - Pipra, District - Supaul.
2. MD. TOHIB MANSOORI S/O- Jahruddin Mansoori Resident of Village - Maheshpur, Ward no. 11, P.S. - Pipra, District - Supaul.
3. MD SAKIM MANSOORI S/O- Eyub Mansoori Resident of Village - Maheshpur, Ward no. 11, P.S. - Pipra, District - Supaul.
4. MD DOMI MANSOORI S/o- Late Panchu Mansoori Resident of Village - Maheshpur, Ward no. 11, P.S. - Pipra, District - Supaul.
5. MD MUSAHARU MANSOORI S/o- Late Panchu Mansoori Resident of Village - Maheshpur, Ward no. 11, P.S. - Pipra, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Nath Rai
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-02-2022 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 Pipra P.S. Case No. 29 of 2018 registered for the offence under Sections 147, 148, 149, 323, 324, 447, 379, 504 and 506 of the Indian Penal Code.

Allegedly, in the backdrop of land dispute, the accused persons are said to have assaulted the informant and others, as a result of which, they sustained injuries.

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. 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 alleged occurrence is said to have taken place on 27-02-2018 and the case was instituted on 04-03-2018. The delay in instituting the FIR has not been explained by the prosecution. The prosecution has not come with clean hands.

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 Chief Judicial Magistrate, Supaul in connection with Pipra P.S. Case No. 29 of 2018 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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