

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26715 of 2021**

Arising Out of PS. Case No.-99 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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1. MD FARUQ @ MD FAROOQUE Son of Late Abdul Rahim Ansari Resident of Village - Ilsam Tola, Aurangabad, P.S.- Aurangabad Town, Distt.- Aurangabad.
 2. Iltaf Quraishi @ Altaf Quaraishi Son of Late Mukhtar Quraishi Resident of Village - Quaraishi Mohall Aurangabad, P.S.- Aurangabad Town, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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

2 05-01-2022 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 learned APP for 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 connection with Aurangabad P.S. case No.99/2018 registered



under Sections 147, 148, 149, 337, 323, 435, 436, 427, 307, 332, 295(A), 333, 353, 153(A), 379 and 120(B) of the Indian Penal Code.

Prosecution case, in short, is that on 25-26.03.2018 on the occasion of Ram Nawmi when the procession came near Islamtoli, stone pelting started. After that, clash started and some persons set fire in some shops. As a result of which, riot started.

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 falsely been implicated in the present case. Scuffle is said to have taken place between the two communities of the local area. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Altogether 130 named persons alongwith other unknown persons have been made accused in the present case.

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 facts and circumstances, 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 bond to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. case No.99/2018, 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)

Narendra/-

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