

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34847 of 2021

Arising Out of PS. Case No.-25 Year-2020 Thana- LAURIA District- West Champaran

RAHIM MIYA SON OF LATE SUKADI MIYA RESIDENT OF
BASWARIYA, DEVRAJ, P.S.- LAURIYA, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-01-2022 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.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and the State
through virtual mode.

The petitioner is apprehending his arrest in Lauriya P.S.
Case No. 25 of 2020 registered under Sections 363/365 of the
Indian Penal Code.

Allegedly, the informant along with his dumb sister had



gone to fair. Due to bad weather, the informant's sister proceeded to her house with one Ramjee Sah but the informant's sister did not reach her home. The informant suspected that his sister had been abducted by the accused persons.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. As per the FIR, the victim girl had left house with co-accused Ramjee Sah and thereafter, she did not return her house. The informant raised suspicion that the petitioner may also be involved in the alleged occurrence. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The main allegation is against the co-accused namely Ramjee Sah.

On behalf of the State, it is submitted that the petitioner is 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, 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 his personal bond to the satisfaction of learned Additional Sessions Judge-III, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 25 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 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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