

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38864 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- CIVIL LINE District- Gaya

DR AHMAD HUSSAIN @ MAKKI KHAN Son of Late Akbar Hussain
Resident of Village- Karwanni, P.S.- Dobhi, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, 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 petitioner and learned
APP for the State through virtual mode.

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.

Further, learned counsel for the petitioner submits that
in the prayer portion of the present petition, due to
typographical error, P.S. case number has been typed as “Civil
Line P.S. case No.43/2020” in place of “Civil Line P.S. case
No.43/2021”.



Let in the prayer portion of the petition, the words “Civil Line P.S. case No.43/2020” be corrected to be read as “Civil Line P.S. case No.43/2021”.

The petitioner is apprehending his arrest in connection with Civil Line P.S. case No.43/2021 registered under Sections 307, 506, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that on 18.01.2021 at 8:30 p.m. the informant was going to his home after parking his Scorpio and when he reached near his home, two persons came and started firing on him. The informant sustained bullet injury and fell down. Four accused persons armed with weapons were already standing there. The informant identified two of them as Anwar Khan and Sarvar Khan in the light of train.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. From perusal of the F.I.R. itself, it is evident that there is allegation against co-accused, namely, Anwar Khan and Sarvar Khan. As far as the name of the petitioner is concerned, same has transpired in this case on the basis of suspicion. Except for



this, there is no other substantive evidence to suggest the implication of the petitioner in this case.

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 facts and circumstances, 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 Chief Judicial Magistrate, Gaya in connection with Civil Line P.S. case No.43/2021, 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)

Narendra/-

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