

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48689 of 2021

Arising Out of PS. Case No.-393 Year-2021 Thana- ARARIA District- Araria

MD. ASHIQUE, age 30 years, Male, S/o- Halimuddin, Resident of Village -
Dimhiya @ Dimia, P.S. - Jalalgarh, District - Purnia.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Md. Naushad Uzzoha, Advocate
For the Opposite Party : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-01-2022 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 petitioner and learned
A.P.P. for the State through Virtual mode.

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

The petitioner is apprehending his arrest in connection
with Araria P.S. Case No. 393 of 2021 for the offence registered
under Section 392 of the I.P.C.

The prosecution case, in brief, is that the Tractor
loaded with Maize of the informant is said to have been looted



by some miscreants.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per prosecution case, the Tractor loaded with Maize of the informant has been looted by the miscreants. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The looted Tractor is said to have been recovered on the confessional statement of co-accused recorded under Section 161 Cr. P.C. made before the police. There is no recovery of any incriminating article from the possession of the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the 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, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of the learned C.J.M., Araria, in connection with Araria P.S. Case No. 393/2021, 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)

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