

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48927 of 2021

Arising Out of PS. Case No.-147 Year-2021 Thana- BIKRAMGANJ District- Rohtas

1. SHARFU ITAFAROSH @ SHARFUDDIN ITAFAROSH S/O- Habeeb Miyan R/O- Vill and P.O. - Sikariya, Guljarbagh, Ward no. 26, Bikarmganj, P.S. - Bikramganj, District - Rohtas.
2. Ishmail Itafarosh S/O- Gaffar Itafarosh R/O- Vill and P.O. - Sikariya, Guljarbagh, Ward no. 26, Bikarmganj, P.S. - Bikramganj, District - Rohtas.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pushpendra Priyedarshi

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2022 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 defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 342, 323, 324, 307, 332, 333, 427, 353, 188, 269, 270 of the Indian Penal



Code, 51 of Disaster Management Act, 1897, 3 of Epidemic Act, 2005 and 27 of the Arms Act..

The prosecution allegation, in short, is that the accused persons were blocking the road and in the meantime police party reached then they attacked on police party.

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 falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. The names of the petitioners have transpired on the basis of disclosure made by the local Chowkidar and local residents. Except for this, there is no other substantive evidence to suggest their implication in the present case.

On behalf of the State, it is submitted that the petitioners are 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 petitioners, 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 their personal bonds to the satisfaction of learned A.C.J.M. Bikramganj, Rohtas in connection with Bikramganj P.S. Case No. 147/21, 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) each 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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