

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58795 of 2021

Arising Out of PS. Case No.-338 Year-2020 Thana- GOVINDGANJ District- East
Champaran

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1. MAHTAB ALAM Son of Noor Mahmad Mian Resident of Village- Ramsiriya, P.O. and P.S.- Malahi, District- East Champaran
 2. NIJAMUDDIN ALI Son of Noor Mahmad Mian Resident of Village- Ramsiriya, P.O. and P.S.- Malahi, District- East Champaran
 3. ALLAUDIN MIAN Son of Noor Mahmad Mian Resident of Village- Ramsiriya, P.O. and P.S.- Malahi, District- East Champaran
 4. RAHMUDDIN ALI Son of Noor Mahmad Mian Resident of Village- Ramsiriya, P.O. and P.S.- Malahi, District- East Champaran
 5. SAKIR ALAM Son of Noor Mahmad Mian Resident of Village- Ramsiriya, P.O. and P.S.- Malahi, District- East Champaran
 6. ISUF ALAM Son of Noor Mahmad Mian Resident of Village- Ramsiriya, P.O. and P.S.- Malahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 24-01-2022 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 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that while the informant was on way, the accused persons, variously armed, abused and assaulted him and family members due to which they sustained injuries.

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. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out.

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 Chief Judicial Magistrate, Motihari in connection with Govindganj (Malahi) P.S. Case No. 338 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 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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