

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59774 of 2021

Arising Out of PS. Case No.-443 Year-2020 Thana- NARPATGANJ District- Araria

1. BIBI RASHIDA KHATOON @ RASHIDA KHATOON W/o Sakil Khan Resident of Village - Pathraha, P.S. - Narpatganj (Ghurna O.P.), District - Araria.
2. Soni Parween @ Nigar Sultana D/o- Sakil Khan Resident of Village - Pathraha, P.S. - Narpatganj (Ghurna O.P.), District - Araria.
3. Moni Parween @ Nikhat Parween D/o Sakil Khan Resident of Village - Pathraha, P.S. - Narpatganj (Ghurna O.P.), District - Araria.
4. Sahin Parween @ Shahin Parween D/o- Sakil Khan Resident of Village - Pathraha, P.S. - Narpatganj (Ghurna O.P.), District - Araria.
5. Rani Khatoon @ Rani Begum D/o- Jahir Khan Resident of Village - Pathraha, P.S. - Narpatganj (Ghurna O.P.), District - Araria.
6. Shaira Khatoon @ Saira @ Sheyara Khatoon @ Shahira Khatoon W/o- Late Alim Resident of Village - Pathraha, P.S. - Narpatganj (Ghurna O.P.), District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Prem Kumar Jha

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.

Learned counsel for the petitioners 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 petitioners and the State



through virtual mode.

The petitioners are apprehending their arrest in Narpatganj (Ghurna O.P.) P.S. Case No. 443 of 2020 registered under Sections 147, 148, 149, 341, 342, 323, 324, 307, 325, 354, 353, 188, 224, 225, 332, 228, 379, 154(B), 427, 504, 506 of the Indian Penal Code.

Allegedly, while the police reached at the house of one Shakil Khan to arrest him, the petitioners being family members along with others protested and attacked on police party. Petitioners are said to have torn government documents.

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 been falsely implicated in the present case. As per prosecution case, while police party had gone to arrest a co-accused namely Shakil Khan, the local residents protested against the act of the police and a scuffle is said to have taken place between the parties. All the petitioners are ladies. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners.

On behalf of the State, it is submitted that the petitioners are 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 petitioners, 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 their personal bonds to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj (Ghurna O.P.) P.S. Case No. 443 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) 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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