

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8638 of 2021

Arising Out of PS. Case No.-167 Year-2018 Thana- BOCHAHAN District- Muzaffarpur

1. Md. Majid Shah S/O Akbar Shah R/O Village Husainpur, P.S Bochahan, District- Muzaffarpur
2. Tajim Shah S/O Latif Shah R/O Village Husainpur, P.S Bochahan, District- Muzaffarpur
3. Muslim Shah S/O Latif Shah R/O Village Husainpur, P.S Bochahan, District- Muzaffarpur
4. Kalim Shah S/O Latif @ Latif Shah R/O Village Husainpur, P.S Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 27-01-2022 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 Bochahan
P.S. Case No. 167 of 2018 registered under Sections 147, 148, 149,
341, 323, 324, 448, 325, 379, 354 and 308 of the Indian Penal Code.



Allegedly, while the informant's daughter went tuition, in the way, the accused persons teased and misbehaved with her and in consequence thereof, when the informant's husband went to the opposite parties to make protest of that, the accused persons having lathi, danda, rod, farsa, knife in their hand came at the door of informant and started assaulting her as a result of which, the informant sustained injuries. The informant's son was also assaulted.

It has been submitted on behalf of the petitioners that 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, the petitioner No. 3 along with co-accused is alleged to have assaulted the husband of the informant. The nature of injury is said to be simple. So far rest of the petitioners are concerned, general and omnibus allegation has been made against them. No specific overt act is alleged against the petitioners. The case has been instituted after nine days of the alleged occurrence. Delay has not been explained by the prosecution.

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 Sub Judge-XV-cum-ACJM-XIV, Muzaffarpur in connection with Bochahan P.S. Case No. 167 of 2018 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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