

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10466 of 2021

Arising Out of PS. Case No.-95 Year-2014 Thana- FORBESGANJ District- Araria

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1. Md. Kuddus, Male, age 45 years, S/O Sofid @ Md. Safi Mohammad, Resident Of Village - Rampur Uttar, ward No. 11, P. S. - Forbesganj, Dist. - Araria.
 2. Md. Iftekhar, Male, age 30 years, S/O Nooruddin @ Nooruddin Amin, Resident Of Village - Rampur Uttar, Ward No. 11, P. S. - Forbesganj, District - Araria.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anil Prasad Singh, Advocate
For the Opposite Party : Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-01-2022 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 A.P.P. 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 connection with Forbesganj P.S. Case No. 95/2014 for the offence registered under Sections 341, 342, 323, 353, 506 and 120(B)/34 of the I.P.C.

The prosecution story, in brief, is that the informant is



a Headmaster and on 17.02.2014 at 9.00 A.M. when he was in the School, petitioners and 4-5 unknown came and assaulted the informant. After assaulting, they took the informant at the door of one Nooruddin Amin where he was also assaulted in the closed room. The police came and released him from the accused persons. The occurrence had taken place due to the dispute regarding the post of Headmaster.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. No grievous injury is said to have been caused to the informant during the aforesaid occurrence. The petitioners were on police bail and they have never misused the privilege of police bail.

On behalf of the learned counsel for the State, it has been 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 the learned C.J.M., Araria, in connection with Forbesganj P.S. Case No. 95/2014, 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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