

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11896 of 2021

Arising Out of PS. Case No.-169 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

1. MD KHURSHID @ KHURSHID @ KHAJU Son of Late Imamuddin @ Md. Imamuddin Resident of Village- Husainabad, Puraini, P.S.- Jagdishpur, Distt- Bhagalpur.
2. Md. Akhlad @ Akhlad Son of Late Imamuddin @ Md. Imamuddin Resident of Village- Husainabad, Puraini, P.S.- Jagdishpur, Distt- Bhagalpur.
3. Md. Shabir @ Sabir Son of Late Imamuddin @ Md. Imamuddin Resident of Village- Husainabad, Puraini, P.S.- Jagdishpur, Distt- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-02-2022 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 seeks permission of the Court to withdraw this application in respect of petitioner no. 2 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 2.

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, 323, 341, 307, 384, 379, 427 and 354(B) of the Indian Penal Code and 27 of the Arms Act.

The prosecution allegation, in short, is that the accused persons, variously armed, including the petitioners demanded extortion money and thereafter assaulted the wife of the informant and also misbehaved with her.

It has been submitted on behalf of the petitioner nos. 1 and 3 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 1 and 3. The petitioner nos. 1 and 3 have falsely been implicated in the present case. 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.

On behalf of the State, it is submitted that the petitioner nos. 1 and 3 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 petitioner nos. 1 and 3, 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, Bhagalpur in connection with Jagdishpur P.S. Case No. 169/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 1 and 3 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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