

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11767 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- NAWADA MUFFASIL District- Nawada

1. Md. Shazid Son Of Md. Mistar Resident Of Village- Shahpur, P.S- Mufasil, District- Nawada
2. Md. Munna Son Of Md. Imtiyaz Resident Of Village- Shahpur, P.S- Mufasil, District- Nawada
3. Md. Javed @ Md. Zabid Son Of Late Md. Saroj Miyan Resident Of Village- Shahpur, P.S- Mufasil, District- Nawada
4. Md. Imtiyaz Son Of Md. Ismail Resident Of Village- Shahpur, P.S- Mufasil, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-02-2022 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.

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 defect(s), 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 Mufassil P.S. case No.168 of 2020 registered under Sections



341, 323, 354(B), 448, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in short, is that the petitioner No.1 entered into the house of the informant and tried to drag the informant out and petitioner Nos.2 to 4 were standing outside. When the mother of the informant started to cry, petitioner No.1 fired, which did not hit anyone.

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. Due to petty dispute, the alleged occurrence is said to have taken place. Vide Annexure 3 to the present application, a case was instituted on 19.05.2020 against the informant side and the present case was instituted on 04.07.2020. The present case is a counter blast to the earlier case instituted by the petitioner No.1. From perusal of the present case, it appears that the occurrence is said to have taken place on 18.05.2020 and the case was instituted on 04.07.2020. 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 facts and circumstances, 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 bond to the satisfaction of learned C.J.M., Nawada in connection with Mufassil P.S. case No.168 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)

Narendra/-

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