

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21894 of 2020

Arising Out of P.S. Case No.51 Year-2020 Thana-Dhaka District-East Champaran

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Nurul Hoda @ Noorul Hoda aged about 65 years (Gender-M) son of late Sk. Hadish @ Manuddin, resident of village- Bahlolpur, P.S.- Dhaka, District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Bimal Kumar, Advocate
		Mr. Birendra Kumar, Advocate
For the Opposite Party	:	Dr. Mritunjay Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 22-07-2020 Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.

The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. In spite of that, considering the extra-ordinary situation, filing of the present application has been allowed through email.

Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of



the application.

Heard Mr. Bimal Kumar, learned counsel for the petitioner and Dr. Mritunjay Kumar Gautam, learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Dhaka P.S. Case No. 51 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 188, 332, 333, 353, 295 and 120-B of the Indian Penal Code.

It is contended by learned counsel for the petitioner that there is no truth behind the allegation made in the first information report. A vague and omnibus allegation has been made in the FIR against more than 200 people. There is no specific allegation that the petitioner used any criminal force to any person being a public servant in execution of his duty with an intent to prevent or deter him from discharging his duty as such public servant. There is also no allegation that in consequence of anything done or attempted to be done for lawful discharge of his duty the petitioner assaulted or used any criminal force. It is further contended that there is also no specific allegation against the petitioner that with deliberate and malicious intention of outraging the religious feeling of any class, he insulted or attempted to insult the religious belief of



that class. It is also contended that for an offence under Section 188 of the Indian Penal Code an FIR would not be maintainable.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

Considering the aforesaid submission specially the statement made in para 3 of the application that the petitioner has got no criminal antecedent, in the event of arrest or surrender, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikarhana, Dhaka, East Champaran in connection with Dhaka P.S. Case No. 51 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since, there is a State wide lockdown, the Court has considered it appropriate to adopt the following procedure for communication of the present order :-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.
- (ii) The corrected copy of the order shall be transmitted



by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.

(iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be sent to Bimal Kumar, learned counsel for the petitioner also on his email.

(v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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