

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24563 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- ANDHRATHARHI District- Madhubani

1. MD. AJEEJ @ LADDUA @ LACCHUA Son of Taslim,
 2. Kamruzzama, Son of Mozim,
 3. Safikul @ Adwani, Son of Late Md. Ansar,
 4. Intkhab Najeer, Son of Md. Najeer Ahmad,
 5. Lal Mohammad, Son of Md. Musha,
 6. Imam Ali, Son of Dukhi,
 7. Siyaul, Son of Anul Haque,
- All are Resident of Village - Gidarganj, P.S. - Andharatharhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Sharma, Adv.
For the Opposite Party/s	:	Mr.A.G.
	:	Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-09-2020 Heard learned Senior counsel for the petitioners and
learned APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned senior counsel for the petitioners undertakes
to remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.



The petitioners seek bail in a case registered for the offence punishable under Sections 147, 148, 149, 323, 307, 341, 342, 352, 353, 333, 332, 188, 269, 270, 271 of the Indian Penal Code and Section 3 of Epidemic Act.

The prosecution case is that during lock down occasioned by Covid 19 pandemic the Block Development Officer and Circle Officer received information regarding a congregation at a mosque wherein outsiders had also assembled. On such basis the police party raided the mosque where around 200 persons were found present. The petitioners are amongst 37 persons named in the FIR.

Learned senior counsel for the petitioners submits that the petitioners are resident of the village where raid was conducted. The names were ascertained from the village Chaukidar and the petitioners have falsely been implicated in this case though they were not even present at the place of alleged congregation. The petitioner nos. 1 and 2 are in custody since 03.04.2020, petitioner nos. 3 and 4 are in custody since 17.04.2020 and petitioner nos. 5, 6 and 7 are in custody since 24.04.2020. The similarly situated co-accused have been granted bail by the Co-ordinate Bench of this Court vide order dated 23.09.2020 passed in Cr. Misc. No. 24665/2020. The



petitioner nos. 3, 4, 5, 6 and 7 have absolutely fair antecedent however, petitioner no. 1 is made accused in Andharatharhi P.S. Case No. 73/2005. Petitioner no. 2 is made accused in Andharatharhi P.S. Case No. 18 of 2003 and he has been acquitted in the said case and however also made accused in Andharatharhi P.S. Case No. 35 of 2011 and he is on bail in said case which is mentioned in para 3 of the bail petition.

Learned APP for the State opposed the prayer for bail petition and submits that the petitioners have frustrated the efforts of the government to eradicate pandemic.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners are allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Jhanjharpur at Madhubani, in connection with Andharatharhi P.S. Case No. 28 of 2020 subject to following condition:-

(1) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anjani Kumar Sharan, J)

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