

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24665 of 2020

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

1. LAL MOHAMMAD Son of Md. Mustaq Resident of Village- Gidarganj, P.S.- Andharatharhi, District- Madhubani.
2. Md. Ishkrarul @ Ishrarul Son of Md. Mustaq Resident of Village- Gidarganj, P.S.- Andharatharhi, District- Madhubani.
3. Nasira Khatoon Wife of Md. Mustaq Resident of Village- Gidarganj, P.S.- Andharatharhi, District- Madhubani.
4. Md. Mustaq Son of Late Md. Manzoor Resident of Village- Gidarganj, P.S.- Andharatharhi, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Rama Kant Sharma, Sr. Advocate
		Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s :		Mrs. Renu Prakash, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-09-2020 . As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the



office.

Petitioners seek bail in Andhratharhi PS Case No. 28 of 2020 registered under Sections 147, 148, 149, 323, 307, 341, 342, 352, 353, 333, 332, 188, 269, 270, 271 of the IPC and Section 3 of the 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 injury report, which has been enclosed by petitioners as Annexure 2 series, is relied upon to show that none of the police party had sustained injury. The petitioners are in custody since 1.4.2020 and they undertake to fully cooperate in the trial and ensure their presence on day to day basis. The petitioners have no criminal antecedent.

Learned APP has opposed the prayer for bail. It is submitted 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 petitioner is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM III Jhanjharpur at Madhubani in Andhratharhi PS Case No. 28 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

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

(Madhuresh Prasad, J)

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