

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14916 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- PAROO District- Muzaffarpur

OMPRAKSH @ JYOTI MAHTO, Male, age about 25 years, S/o Jairam Mahto, Resident of Village- Paroosahni Tola, P.S.- Paroo, Dist- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kumari Sujata Sinha, Advocate
For the Opposite Party : Mrs. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-01-2022 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 petitioner and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection with Paroo P.S. Case No. 274 of 2020 for the offence registered under Sections 147, 148, 149, 323, 307, 353, 188, 269 and 270 of the I.P.C., Section 3 of the Epidemic Act and Section 51 of the Disaster Management Act.



The prosecution story, in brief, is that the informant was on evening patrolling and at about 8.45 P.M. when he reached near the '*Paroo Middle School Quarantine Centre*' in the meantime, two persons came there and they started abusing the police saying that the police has opened the Quarantine Centre and spreading Corona virus in this locality. On hearing, 30-40 persons came there with *Lathi, Fatta, Farsa, Bricks* and attacked on the police force due to which, some police personnel sustained injuries.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Altogether 15 named persons alongwith 30-35 unknown have been made accused in this case. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner.

On behalf of the State, it is submitted that the petitioner is 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, 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 his personal bonds to the satisfaction of the learned A.C.J.M.-IIIrd, West, Muzaffarpur, in connection with Paroo P.S. 274/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner 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)

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