

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33695 of 2021

Arising Out of PS. Case No.-85 Year-2019 Thana- PARBATTI District- Bhagalpur

1. PANKAJ KUMAR MANDAL @ PAKO MANDAL Son of Bharat Mandal Resident of Village - Parbatta, P.S.- Ismailpur, District - Bhagalpur.
2. Fagu Mandal @ Fago Mandal Son of Chhanguri Mandal Resident of Village - Parbatta, P.S.- Ismailpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Kumar Sharma

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-01-2022 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 petitioners and learned APP for the State through virtual mode.

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

The petitioners are apprehending their arrest in a case registered under Sections 147, 149, 353, 427 and 435 of the Indian Penal Code.



The prosecution allegation, in short, is that accused persons were protesting against an accident and blocked the road and also caused hindrance in police work.

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 been made accused due to mistake of fact. The petitioners are not named in the F.I.R. The names of the petitioners have transpired in course of investigation. A road accident had taken place in which the local residents had protested and put the truck on fire. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Altogether 50-60 unknown persons have been made accused in the present case.

On behalf of the State, it is submitted that the petitioners are not 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 petitioners, 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 their personal bonds to the satisfaction of learned A.C.J.M. -3rd Naugachiya, Bhagalpur in connection with Parbatta P.S. Case No. 85 of 2019, 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) each 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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