

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34267 of 2021

Arising Out of PS. Case No.-33 Year-2020 Thana- RUDRAPUR District- Madhubani

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ASHOK DHANGAR S/o Late Jagdeo Dhangar R/o village- Gandharain, P.S.-
Rudrapur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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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 petitioner and learned
APP 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.

Learned counsel for the petitioner is directed to make
necessary correction in paragraph 11 of the main application.

The petitioner is apprehending his arrest in a case
registered under Sections 147, 148, 149, 353, 341, 323, 324,
307, 332, 333, 190, 188, 269, 270, 271, 504, 506 of the Indian



Penal Code and 3 of Epidemic Disaster Act, 1897.

The prosecution allegation, in short, is that during the lockdown, the accused persons have violated the guidelines issued by the government.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The petitioner along with others was playing cricket during the lockdown. The police tried to stop them from playing cricket and for the said reason, a scuffle took place between the parties. No grievous injury is said to have been caused in course of the occurrence. Altogether 17 persons alongwith 50-60 unknown persons have been made accused in the present case.

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 learned A.C.J.M. -II, Jhanjharpur, Madhubani in connection with Rudrapur P.S. Case No. 33 of 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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