

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38426 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. MD. NIYAZ S/O MD. MANJOOR R/o Mohalla- Nawab Road, Chandwara,
P.S.- Muzaffarpur Town, District- Muzaffarpur
 2. MOD. NASIR S/O-MD. MANJOOR R/o Mohalla- Nawab Road,
Chandwara, P.S.- Muzaffarpur Town, District- Muzaffarpur
 3. MUMTAZ KHATOON W/O MD. MANJOOR R/o Mohalla- Nawab Road,
Chandwara, P.S.- Muzaffarpur Town, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh
For the Opposite Party/s : Mr.A.G.

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 the State
through virtual mode.

Learned counsel for the petitioners is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in
Muzaffarpur Town P.S. Case No. 04 of 2021 registered for the



offence under Sections 147, 149, 341, 323, 337, 353, 427, 504, 506 of the Indian Penal Code and 3 of Prevention of Damage to Public Property Act, 1984.

Allegedly, a scuffle took place between the local authority and local people with regard to removal of encroachment on the public land.

It has been submitted on behalf of the petitioners that the petitioners have been made accused in the present case due to mistake of fact. There is no allegation of tampering of witnesses alleged against the petitioners. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. There was a scuffle between the local authority and local people with regard to removal of encroachment on the public land. Altogether 9 named along with 50-60 unknown persons have been made accused in the present case.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/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 of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 04 of 2021 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) 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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