

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8693 of 2021

Arising Out of PS. Case No.-154 Year-2020 Thana- BHAIRAVSHTHAN District-
Madhubani

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ROSHAN JHA @ KAILASH JHA Son of Kanhaiya Jha Resident of Village-
Patti Tol, P.S.-Bhairab Asthan, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
For the Opposite Party/s : Smt.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-02-2022 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 defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

Further, learned counsel for the petitioner is permitted
to make necessary correction in paragraph 1 of the main
application.

The petitioner is apprehending his arrest in connection



with Bhairab Asthan P.S. case No.154/2020 registered under Sections 341, 323, 354(B), 504/34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioner passed indecent remarks against the daughter of the informant.

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. The victim has been examined under Section 164 of Cr.P.C. The main allegation is against the co-accused Satyam, Krishna and Rajesh. No overt act is alleged against the petitioner.

On behalf of the State, it is submitted that the petitioner is 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 facts and circumstances, the petitioner, 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 his personal bond to the satisfaction of learned VIIth Additional Sessions Judge-cum-Special Judge, POCSO, Madhubani in connection with Bhairab Asthan P.S. case No.154/2020, 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)

Narendra/-

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