

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69780 of 2021

Arising Out of PS. Case No.-59 Year-2020 Thana- MUFFASIL District- West Champaran

PAPPU @ MD. JYAULLAH @ MD. JAYAULLAH Son of Late Md. Gayasuddin Resident of Mohalla - Chhawani, P.S.- Manuapul, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-01-2022 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.

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.

Heard learned counsel for the petitioner and the State through virtual mode.

The petitioner is apprehending his arrest in Bettiah Mufassil (Manuapul) P.S. Case No. 59 of 2020 registered under Sections 147, 152, 188, 353, 427, 332, 333, 506 of the Indian Penal Code, 3,4, 5 of the Prevention of Damage of Public



Property Act. 1984 and Sections-3/4 of the Essential Services Maintenance Act, 1968.

Allegedly, mob was protesting against NRC and CAA and in consequence thereof, road was blocked by keeping benches, chairs on road.

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 falsely implicated in the present case. A protest was being made by way of blocking the road in respect of NRC and CAA. A scuffle took place between the local residents and the police party. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Altogether 17 named persons along with 100-150 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 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 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Mufassil (Manuapul) P.S. Case No. 59 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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