

(2020) 11 PAT CK 0034

Patna High Court

Case No: Criminal Miscellaneous No. 25421 Of 2020

Chinta Devi And Ors

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Nov. 6, 2020

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 148, 149, 186, 188, 216, 223, 224, 227, 269, 271, 272, 307, 323, 332, 333, 337, 338, 341, 353, 379
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Nitya Nand Neeraj, Humayou Ahmad Khan

Final Decision: Disposed Of

Judgement

1. The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Nitya Nand Neeraj learned counsel for the petitioners and Mr. Humayou Ahmad Khan, learned Additional Public Prosecutor

(hereinafter referred to as the "APP") for the State.

3. The petitioners apprehend arrest in connection with Ghosi (Okari OP) PS Case No. 117 of 2020 dated 30.03.2020, instituted under Sections

188/147/148/149/341/323/332/333/

337/338/353/227/307/379/186/216/223/224/269/271/272 of the Indian Penal Code.

4. The allegation against the petitioners is that they had resisted the medical team from conducting COVID-19 test on some villagers and had

assaulted them and also snatched various personal articles as well as government equipment from them.

5. Learned counsel for the petitioners submitted that there are 21 named and 20-25 unknown persons, who have been made accused, including many female members of the village. It was submitted that the incident occurred due to mishandling of the situation by the administration as they were threatening to quarantine the whole village which was objected by the villagers and as a spontaneous reaction there was protest and just because the petitioners are also resident of the village, their names have been taken, but no specific role has been assigned to them. It was submitted that the incident is unfortunate but was neither preplanned nor the petitioners have any criminal antecedent. Learned counsel submitted that the Court may impose stringent conditions on the petitioners so that they act responsibly in future. It was submitted that even the injuries on the personnel are simple in nature and most importantly, no specific act against any particular person is alleged and the same is general and omnibus which clearly indicates that there was resentment in the entire village and the protest was spontaneous.

6. Learned APP submitted that the petitioners were also party to such unlawful and rowdy behaviour against the persons who were working for the containment of spread of COVID-19 and by such behaviour, there was a sense of fear among such workers. However, it was not controverted that the allegation is general and omnibus.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM 1st, Jehanabad in Ghosi (Okari OP) PS Case No.

117 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners

shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.