

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44931 of 2015**

Arising Out of PS.Case No. -251 Year- 2015 Thana -DIHRINAGAR District- SASARAM  
(ROHTAS)

=====

Kalam Hussain son of late Aliraj Hussain Alias Ajiraj Hussain, resident of  
village Dehri Police-station Rajpur, District Rohtas.

.... .... Petitioner/s

Versus

The State of Bihar

... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

**ORAL ORDER**

2 16.10.2015

Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner apprehends arrest in Dehri Town  
P.S. Case No. 251 of 2015 dated 12.06.2015 instituted under  
Sections 147/148/149/341/323/353/337/338/307/420/120B  
of the Indian Penal Code, Section 27 of the Arms Act, Sections  
33/41/42 of the Indian Forest Act, 1927 and Section 4(1-a),/4(1)  
of the D.E. Act and Section 1 of the B.M. Act.

The petitioner is not named in the F.I.R. and has  
been implicated only on the basis of recovery of his motorcycle  
from the main G.T. Road near the place of occurrence.

Learned counsel for the petitioner submits that  
even as per the F.I.R., when the police had gone to raid an illegal  
crushing unit, three people were arrested and a mob of around  
400-450 unknown persons assembled there and started pelting  
stone. Learned counsel submits that the petitioner, living in a  
village 45 km. away from the place of occurrence was going to

Dehri-on-Sone in connection with the driving license of the son who was also accompanying him when the incident occurred and due to fear he had left the motorcycle on the road and taken shelter nearby and when he returned to the road he was informed that the motorcycle has been taken away by the police. Learned counsel submits that besides having no criminal antecedent, the petitioner is a well known Homeopathic doctor of his locality. Learned counsel submits that the motorcycle of the petitioner has been seized on the main road near the place of occurrence.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering 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 petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Dehri-on-Sone in Dehri Town P.S. Case No. 251 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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