

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12931 of 2018

Arising Out of PS. Case No.-117 Year-2017 Thana- PHULWARIA District- Begusarai

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1. Md. Kafil @ Md. Kafil Akhtar, son of Md. Shakil
 2. Md. Rahmat, son of Md. Tufani, both Residents of Village- Baro Rampur, Naya Tola P.S. Barauni, District- Begusarai.
 3. Md. Ahshan @ Md. Ahshan Khan @ Md. Ehsan, son of Md. Mahboob, Resident of Village- Baro, Milki Tola, P.S. Phulwaria, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Dr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-03-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Phulwaria P.S. Case No. 117 of 2017 instituted for the offence under Sections 147,148,149,153(A),353(A),295(A),332,327,337,427 of the IPC and Section 3/4 of Explosive Substance Act.

It is alleged in the written report that at the time of Muharram procession, local people were giving provocative speech promoting enmity between different community and insulting the religion of particular community.

Learned counsel for the petitioners has submitted that petitioner are not named in the written report. The name of



petitioners have come during investigation, on the basis of confessional statement of co-accused. It has been further submitted that other co-accused has already been granted anticipatory bail by this Court vide order dated 17.01.2018 passed in Cr. Misc. No. 2404 of 2018.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Phulwaria P.S. Case No. 117 of 2017 to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at



liberty to move for cancellation of bail of the petitioners.

khushbu/-

(Sanjay Priya, J)

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