

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2404 of 2018

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

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1. Talat Ahmad @ Md. Talat Ahmad @ Nanhu @ Nanhe, son of Late Safi Ahmad,
 2. Md. Nehal, son of Md. Nasim, Both residents of Village- Baro, Dakshini Milki Tola, P.S. Phulwaria, District- Begusarai.
 3. Md. Tanvir, son of Md. Sharif,
 4. Noor Mohammad, son of Md. Taslim, Both residents of Village- Baro Kaddir Chak, P.S. Phulwaria, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-01-2018

Heard learned counsel for the petitioners and the State.

Supplementary affidavit has been filed today in court. Let it be kept on record.

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 Indian Penal Code and u/S 3 of Explosive Substances Act.

It has been submitted that petitioners are named as members of unlawful assembly. There is no specific allegation of any overt act against these petitioners.

In the written report, it is alleged that on the date of occurrence, the informant was on duty at the time of procession of



Muharram. When the procession reached ahead of Kirana store of Navin Kumar at Quadrichak, 400-500 persons armed with deadly weapons, came at the place of occurrence. They were local people. They started giving provocative speech promoting enmity between different classes, insulting the religion of particular community voluntarily causing hurt to deter public servant from his duty. The police party requested the mob not to make objectionable speech but the mob did not accept the request of the police party. The mob became violent and they reached at Phulo Chowk near the house of Dayanand Poddar and damaged his shop and exploded a bomb over his house. It is further alleged that they also completely paralyzed the traffic system.

In such circumstances, it appears that there is general and omnibus allegation against the petitioners. In paragraph-3 of the petition, it has been mentioned that the petitioners have no criminal antecedent.

Accordingly, 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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Phulwaria P.S. Case No. 117 of 2017 to the satisfaction of Sri Raghubir Prasad, learned Judicial Magistrate-Ist Class, Begusarai subject to condition as laid down u/S



438(2) of the Cr.P.C. with further conditions (1) 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 date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will liable to cancel bail bond of the petitioners and (3) if petitioners tamper 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.

(Sanjay Priya, J)

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