

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.58475 of 2018**

Arising Out of PS.Case No. -307 Year- 2017 Thana -JOKIHAT District- ARRARIA

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Md. Afsar Alam, Son of Salimuddin, Resident of Village- Vebhra, Sisauna,  
P.S.- Jokihat, Dist- Araria.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Ramesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Nagendra Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      08-10-2018                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for  
the offence registered under Sections 144, 188, 283, 290, 447,  
323, 353, 153(A)(B), 295(A), 307, 427, 504 and 120(B) of the  
IPC.

The prosecution story, in brief, is that the informant  
who is posted as Block Development Officer, Jokihat was  
deployed as Magistrate for *Muharram Procession*. On 01.10.2017,  
he got information that some anti-social elements in *Moharram*  
*Procession*, creating nuisance near *Shiv Mandir*. Upon this  
information, he reached there and saw there was a mob. On being  
query with *Pujari* and deputed police personnel, he came to know



that *Moharram Procession* of different villages of said locality jointly came there and uses power open the gate of temple and broke Tin Shade of *Pujari* and Motorcycle. The informant further alleged that on preventing them the accused persons were became turbulent. Hence, the present case has been lodged against 17 named accused persons of different village and 200-300 unknown.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The alleged incident has taken place on the eve of *Moharram Procession*. General and omnibus allegation has been made against the petitioner. The petitioner is not named in the F.I.R. His name has come in course of investigation. Altogether 17 persons were named in the F.I.R. alongwith 200-300 unknown persons. Other co-accused have been granted anticipatory bail by another Co-ordinate Benches of this Court vide Cr. Misc. No. 4415 of 2018 order dated 01.02.2018, Cr. Misc. No. 31728 of 2018 order dated 22.06.2018, Cr. Misc. No. 35934 of 2018 order dated 03.07.2018 and Cr. Misc. No. 35527 of 2018 order dated 29.06.2018 vide Annexure-2 series to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria, in connection with Jokihat P.S. Case No. 307 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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**(Sudhir Singh, J)**

