

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62697 of 2018

Arising Out of PS. Case No.-101 Year-2017 Thana- KEWATI District- Darbhanga

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1. MD. INTEKHAB @ INTEKHAB ALAM, S/o Md. Fakra Alam @ Md. Fakhare Alam,
 2. Naqueed Reza @ Nakib Raja, S/o Imteyaz @ Imtiaz
 3. Shahjada Sheikh, S/o Md. Shamsul Johan
 4. Md. Faisal @ Faisal Sheikh, S/o Fayaz, All resident of Village- Barhi, P.S. Koeti, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Mr. Shashank Shekhar, Mr. Pravin Kumar, Advocates
For the Opposite Party/s	:	Mr. Sri Sanjay Kumar Pandey, APP 1
For the Informant	:	Mr. Vinay Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-12-2018

Heard learned counsel for the parties.

Petitioners are apprehending their arrest in connection with Keoti PS Case No. 101/2017 for the offence under Sections 295(A), 153(A), 504, 506/34 of the Indian Penal Code.

Learned counsel appearing for the petitioners submits that in view of the criminal antecedent of petitioner no. 1 Md. Intekhab @ Intekhab Alam, he is not pressing the application for grant of anticipatory bail on his behalf.

In view of the above, the application on behalf of petitioner no. 1 is permitted to be withdrawn. However, liberty shall be available to petitioner no.1 to approach the concerned



court below for grant of regular bail. In the event he surrenders before the court below and prays for regular bail, the court below is directed to dispose of his application on the same day on its own merit without being influenced by withdrawal of the present application.

Adverting to petitioner nos. 2, 3 and 4, learned counsel representing the petitioners submits that allegation against them is that they had posted vulgar and indecent pictures of God Hanuman, Ram, Sita and their intention was to cause communal tension but the fact is otherwise. The son of the informant was arrested for causing communal disturbance.

Considering the totality of the fact situation and the allegation that they have made attempt to cause communal tension and having no criminal antecedent against them, this application is allowed in favour of petitioner nos. 2, 3 and 4.

Accordingly, petitioner nos. 2, 3 and 4 above named, in the event of arrest or surrender before the court below within one month from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate VII, Darbhanga in connection with Keoti PS Case No. 101 of 2017 subject to the conditions as laid



down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that any recurrence of such incident by the petitioners, if reported to the court below, will be sufficient ground for cancellation of anticipatory bail.

(Anil Kumar Upadhyay, J)

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