

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2836 of 2019

Arising Out of PS. Case No.-95 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Subham Kumar, aged about 22 years (Male), S/O Pramod Singh, R/o village Raiypura, P.S. Mufassil, District-Aurangabad.
 2. Navin Kumar Sinha, aged about 24 years (Male), S/O Bipin Prasad, R/o village- Biratpur, P.S.Town, District-Aurangabad.
 3. Aakash Gupta, aged about 25 years (Male), S/O Sudama Prasad, R/o Sahpur, P.S. Town, District-Aurangabad.
 4. Birendra Gupta @ Birendra Kumar, aged about 26 years (Male), S/O Yamuna Sao, R/o village Biratpur, P.S. Town, District-Aurangabad.
 5. Munna Yadav @ Munna Kumar Yadav, aged about 23 years (Male), S/O Ramashish Yadav, R/o Ramdiha, P.S. Town, District-Aurangabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ashok Kumar Singh, Advocate.
For the Opposite Party : Mrs. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-01-2019 Learned counsel for the petitioners is permitted to

make necessary correction in the father's name of petitioner no.

3, in course of the day.

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners are apprehending their arrest in a

case for the offence registered under Sections 147, 148, 149,

337, 323, 324, 435, 436, 427, 307, 332, 333, 353, 360, 295(A),

188, 120(B) of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that as per the joint



order of the District Magistrate and the Superintendent of Police, Aurangabad, the informant Ram Pravesh Prasad, Kanungo was on law and order duty on the eve of *Ramnavmi Procession*. As soon as the procession reached near *Khatta-Mitha Restaurant* on Old GT Road, brick bats and stone chips were being pelted by Muslims of *Islam Toli*. However, brick batting was checked and one of the pelters namely Saddam Hussain was apprehended. At the same time, perturbants present in procession, started setting fire here and there in town. A few of them were apprehended whose names find place in the F.I.R.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The alleged occurrence is said to have taken place on the eve of *Ramnavmi Procession*. For the same incident, altogether six cases were instituted. 89 persons are named in the F.I.R. alongwith 100 unknown. Petitioners are not named in the F.I.R. There is no substantive evidence to suggest the implication of the petitioners in the present case. Other co-accused has been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 65707 of 2018 order dated 13.12.2018 vide Annexure-2 to



the present application.

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

Considering the aforesaid facts and circumstances, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad (Town) P.S. Case No. 95/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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