

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33498 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- KHIRI MORE District- Patna

Ashif Khan @ Md. Asif Khan S/o Md. Faiyaz Khan @ Faiyaz Khan R/o
village- Jamharu, P.S.- Khirimore, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahboob Ashraf
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 21-05-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Khirimore P.S. Case No. 11 of 2019 registered for the offence punishable under Sections 147/148/149/323/332 / 333 / 338/353/307 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the police had gone to arrest one Mahtab Khan and after his arrest there was mass protest by a group of villagers in which some persons were arrested whereas others managed to escape in the darkness. Learned counsel for the petitioner further submits that though he is not named in the F.I.R, on the following day, when the petitioner went to request the I.O. for release of the said



Mahtab Khan and other co-villagers who were innocent and had been falsely implicated in the case, the petitioner's name has also been brought into the dragnet and he is facing prosecution thereafter. It is further submitted that the petitioner had no role in the stone pelting nor in the offence for which the said Mahtab Khan was facing prosecution.

Considering the aforementioned facts and circumstances and that save and except this case and one other case which has been instituted by the police for the same offence including one offence under the Excise Act bearing Khirimore P.S. Case No. 10 of 2019, the petitioner is not having any other criminal antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Danapur, in connection with Khirimore P.S. Case No. 11 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjana Mishra, J)

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