

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54644 of 2019

Arising Out of PS. Case No.-389 Year-2012 Thana- SIKARPUR District- West Champaran

AARIF MIAN @ ANSH MOHAMMAD @ MD. AATIF @ AASH MOHAMMAD Son of Gani Ansari Resident of Village - Maldahiya, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

THE SATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-08-2019 The petitioner apprehends his arrest in connection with Shikarpur P. S. Case No. 389 of 2012 registered under Sections 147, 148, 149, 151, 152, 188, 295, 298, 307, 323, 333, 341, 353, 427, 504 and 506 of the Indian Penal Code.

Allegation against the petitioner is that a procession of Muharram was being carried out by the licensee Nazamul Haque from Maldahia village and it is informed by licensee that 20-25 persons from the procession were going towards village Sisawa-Bahuarwa with bad intention to create communal vengeance. It has further been alleged that some of the miscreants named in the FIR started assaulting with *lathi* and *danda* to general public and upon seeing the police, they fled away.

Learned counsel appearing on behalf of the petitioner submits that petitioner is merely named in the FIR but there is no specific allegation against the petitioner and his name has come in



the FIR based upon the statement of the licensee and not by the member of the general public. Learned counsel further submits that similarly situated other accused has been granted anticipatory bail by a co-ordinate Bench of this Court in Cr.Misc. No. 61232 of 2018.

After having heard learned counsel for the parties and taking into consideration the fact that there is no specific allegation against the petitioner of assault and further similarly situated other accused has been granted anticipatory bail by this Court, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned CJM, West Champaran at Bettiah in connection with Shikarpur P.S.Case No. 389 of 2012; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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