

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62621 of 2019**

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

MD. SHAHNAWAZ @ SALLU KHAN @ MD. SHAHNWAJ RAHMAN
Son of Motiurrahman Resident of Mohalla - Pathan Toli, P.S.- Aurangabad
(Town), District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Pancha Nand Pandit

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 18-10-2019 Heard both sides.

The petitioner apprehends his arrest in Aurangabad
(Town) P.S. Case No.95 of 2018 registered under Sections 307,
353, 435, 436, 337, 323, 324, 427, 332, 333, 360, 295A, 188,
120B of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that
altogether seven cases being Aurangabad (Town) P.S. Case
No.95 of 2018, Aurangabad (Town) P.S. Case No.97 of 2018,
Aurangabad (Town) P.S. Case No.98 of 2018, Aurangabad
(Town) P.S. Case No.99 of 2018, Aurangabad (Town) P.S. Case
No.100 of 2018, Aurangabad (Town) P.S. Case No.101 of 2018
and Aurangabad (Town) P.S. Case No.102 of 2018 for the same
occurrence were registered. The petitioner filed Cr.WJC No.297



of 2019 and the same is pending. It is submitted that Anil Singh and six others filed Cr.WJC No.1226 of 2018 to quash Aurangabad Town P.S. Case No.94 of 2018, Aurangabad Town P.S. Case No.98 of 2018, Aurangabad Town P.S. Case No.99 of 2018, Aurangabad Town P.S. Case No.100 of 2018, Aurangabad Town P.S. Case No.101 of 2018 and Aurangabad Town P.S. Case No.102 of 2018 and a Bench of this Court by order dated 31.08.2018, quashed the F.I.R. of all those cases and only the first case being Aurangabad Town P.S. Case No.95 of 2018 was directed to be investigated in accordance with law. Learned counsel for the petitioner submits that petitioner is not named in Aurangabad Town P.S. Case No.95 of 2018. Although 89 persons are named in the F.I.R. besides it is alleged that more than 100 unknown were members of the mob and they all started pelting stones on the procession of Ramnavmi. It is further submitted that name of the petitioner surfaced in the case during the course of investigation that too in the confessional statement of co-accused but no specific allegation is made against the petitioner. Many of the accused persons namely, Subham Kumar, Navin Kumar Sinha, Akash Gupta, Birendra Gupta and Munna Yadav have already been granted anticipatory bail by order dated 22.01.2019 passed in Cr. Misc. No.2836 of



2019. The case of the petitioner stands on the same footing.

Taking into consideration the fact that many persons of both the communities are named in the F.I.R. for causing riots on the eve of Ramnavmi procession but the petitioner is not named in the F.I.R. and name of the petitioner surfaced during the course of investigation but almost all the accused persons were either granted regular bail and some of them were granted anticipatory bail, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) 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 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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