

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71383 of 2019

Arising Out of PS. Case No.-101 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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1. SHAMESH WARISH @ MOTU @ SHAMSH WARSHI @ SHAMSH WARISH Son of Late Hazi Nizamuddin Warshi Resident of Mohalla - Paithan Toli, P.S. Aurangabad, Distt - Aurangabad.
 2. Mozaffar Khan @ Muzaffar Khan Son of Late Nizamuddin Khan Resident of Mohalla - Pathan Toli, P.S.- Aurangabad, Distt - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh
For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered under Sections 147, 148, 149, 337, 323, 435, 436, 427, 307, 332, 333, 353, 153(A), 295(A), 379 and 120(B) of the Indian Penal Code.

137 named accused persons including the petitioners and some unknown miscreants are said to have pelted stones on the procession of Ramnavmi and went on rampage and arsoning.

It is submitted by learned counsel for the



petitioners that the petitioners have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. Utmost the petitioners happen to be member of the mob. None has sustained any injury in the occurrence. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. They have no criminal antecedent. Similarly situated co-accused persons, namely, Navin Kumar Sinha and others have been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 04.02.2019 passed in Cr. Misc. No. 6049 of 2019.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad in connection with Aurangabad Town P.S. Case No. 101 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C with further conditions:-

(I) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any



similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move the cancellation of bail.

(Prakash Chandra Jaiswal, J)

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