

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77809 of 2019

Arising Out of PS. Case No.-152 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

BIRJU SAH @ BIRU SAH, Son of Late Shivjee Sah @ Shivaji Sah, Resident
of Village- Bajar Near Arya Samaj Mandir, P.S.- Town, District- Darbhanga.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 147, 149, 188, 291, 294, 295 (A), 353 and 505 of the Indian Penal Code.

Prosecution case is that as per FIR, it is alleged that on 26.03.2018 at about midnight at Neem Chowk, all the accused persons including the petitioner came with procession of Ram Naomi and with intention to insult the religion, they played obscene song “Topiwala Bhi Shree Ram Kahega” on D.J. for creating hatred religious feelings to another community. It is further alleged that the informant and other police Officials any how controlled the people and stopped the sound of D.J. The Police Officials identified the petitioner through videography.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to local politics. No such occurrence did ever take place as alleged in



the FIR. There is no specific allegation against the petitioner and there is general and omnibus.

Learned counsel for the petitioner further submits that there is allegation against the petitioner that with intention to insult the religious feeling of a community, he played obscene song on D.J. The named petitioner along with 50-60 other persons have created law and order problem for which force from various police stations were pressed and they have deterred the public servant from discharging their public duty. The petitioner has no criminal antecedent.

In the aforesaid facts and circumstances of the case, I am inclined to grant anticipatory bail to the above named petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga, in connection with Laherisarai P.S. Case No. 152 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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