

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20739 of 2020

Arising Out of PS. Case No.-487 Year-2019 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Abbas Quraishi @ Md. Abbas Quraishi S/o Late Afzal Quraishi Resident of Quraishi Mohalla, P.S.- Town, Distt- Aurangabad.
 2. Taz Quraishi @ Md. Tazuddin S/o Late Amiruddin Quraishi Resident of Quraishi Mohalla, P.S.- Town, Distt- Aurangabad.
 3. Raju Quraishi @ Md. Rayajuddin Ahmad S/o Late Amiurddin Quraishi Resident of Quraishi Mohalla, P.S.- Town, Distt- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioners and
learned APP for the State.

Since the physical court proceeding is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.



The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 332, 333, 337, 338, 353, 186, 307, 504, 506, 427, 386 of the Indian Penal Code, Sections 3/4 of Explosive Substances Act, Sections 3/4 of Prevention of Damage to Public Property Act, Section 27 of the Arms Act and Section 67 of I.T. Act.

The prosecution case, as per the written report of Manoj Kumar, Assistant Engineer, District Rural Development Organization, Aurangabad submitted to the Station House Officer, Aurangabad Town P.S., is to the effect that on 21.12.2019 there was a strike call given by the political party, the FIR named accused persons and 100-150 unknown forcibly litting the shops and the market on fire. The police tried to pacify the issue but they started pelting stones, as a result, the police personnel and others received injuries. The FIR was lodged against 84 named and 100-150 unknown. The petitioners are named in the FIR.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the mob and a statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal



antecedent.

Learned APP submits that the petitioners are named in the FIR and the mob alleged to have litting fire in shop and market and they have obstructed the police in discharge of official duty.

Considering the accusation against the mob and statement being made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 487 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioners will be confirmed by the learned Court below within three



months on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties, including one surety given at the time of provisional bail of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 487 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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