

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14176 of 2020

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

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1. Md. Mokhtar Ahmad @ Mukhtar Ahmad, aged about 50 years, Male, Son of Md. Nezamuddin
 2. Imran Mokhtar @ Imran Mukhtar @ Imran, aged about 19 years, Male, Son of Md. Mokhtar Ahmad @ Mukhtar Ahmad
Both are Resident of Mohalla Islam Toli, P.S. Aurangabad Town, District Aurangabad.
 3. Rizwan Alam @ Md. Rizwan Alam, Aged about 32 years, Male, Son of Shamsheer Alam Resident of Village Jogiya, P.S. Barun, District Aurangabad.
 4. Md. Noman, aged about 20 years, Male, Son of Gulam Moiuddin @ Moinuddin Resident of Village Kuraishi Mohalla, P.S. Aurangabad Town, District Aurangabad.
 5. Md. Azhar, aged about 28 years, Male, Son of Latifur Rahman Kuraishi
 6. Md. Rizwan, aged about 23 years, Male, Son of Anamul Haque
Both Resident of Village Kuraishi Mohalla, P.S. Aurangabad Town, District Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-06-2020

The matter has been heard via video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Shailesh Kumar Singh, learned counsel for the petitioners and Dr. Indihar Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the



State.

3. The petitioners are in custody in connection with Aurangabad Town PS Case No. 487 of 2019 dated 21.12.2019 instituted under Sections 147/ 148/ 149/ 34/ 323/ 332/ 333/ 337/ 338/ 353/ 186/ 307/ 504/ 506/ 427/ 386 of the Indian Penal Code; 3/4 of the Explosive Substances Act, 1908; 3/4 of the Prevention of Damage to Public Property Act, 1984; 27 of the Arms Act and 67 of the Information Technology Act, 2008.

4. The allegation is that they were member of a mob of about 200 named persons, including the petitioners and many others, who in a political rally, had thrown brick-bats at the police.

5. Learned counsel for the petitioners submitted that in a political rally and in a peaceful protest there was skirmish between two groups and only on suspicion the petitioners have been made accused. It was submitted that the petitioners have no other criminal antecedent and are in custody since 22.12.2019 and many similarly situated co-accused have been granted bail.

6. Learned APP submitted that the petitioners had also taken part in brick-batting. However, she did not controvert that there was no specific allegation with regard to any of the



petitioners and the same was general and omnibus.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in Aurangabad Town PS Case No. 487 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners and (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. Any violation of the terms and conditions of the bonds shall lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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