

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18149 of 2020

Arising Out of PS. Case No.-130 Year-2019 Thana- KISHANGANJ District- Kishanganj

1. GANI MUSTAFA @ MD. MUSTAFA KAMAL Son of Gani @ Abdul Gani @ Md. Abdul Gani Resident of Village - Chordhappa Kadam Tola, Balu Chuka, P.S.- Goalpokhar, District - Uttar Dinajpur.
2. Nasir @ Md Nasir Iquebal Wahidi Son of Sajlum Resident of Village - Chordhappa Kadam Tola, Balu Chuka, P.S.- Goalpokhar, District - Uttar Dinajpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ram Prawesh Kumar
For the State	:	Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-08-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

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

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 224, 225, 341, 342, 333, 353, 427, 384, 387, 364, 379, 307, 504, 506, 120(B) of the Indian Penal Code.

Allegedly, the accused persons in the name of passing overloaded truck safely, were realizing money as rangdari. The



informant being ASI along with other police personnel raided the cite and they found four-five motorcycles hither and thither. The raiding party reached residence of Ghulam Muatafa where it was found that he was informing his associates from mobile to beware from police. Ghulam Muastafa was caught. It is alleged that the accused persons tried to get rescued Ghulam Mustafa from custody of the police. The police party was attacked. Brick batting was also done by the mob. The slogans were being also made against police due to which, the situation became out of control.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. The other co-accused with similar allegation has been granted anticipatory bail by a coordinate bench of this court vide order dated 14-01-2020 passed in Cr. Misc. No. 1834 of 2020.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.



Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 130 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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