

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28744 of 2020

Arising Out of PS. Case No.-111 Year-2020 Thana- KASIMBAZAR District- Munger

1. MD. RAJA @ MD. SARFAROZ Son of Md. Chunnan Resident of Mohalla - Hazratganj Bara, Gali No. 8, P.S.- Kasim Bazar, District - Munger.
2. Md. Raja @ Md. Ahmad Raja Son of Md. Hamid Resident of Mohalla - Hazratganj Bara, Gali No. 07, P.S.- Kasim Bazar, District - Munger.
3. Md. Monu @ Md. Manish Son of Md. Firoz Resident of Mohalla - Hazratganj Bara, Gali No. 07, P.S.- Kasim Bazar, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal Sr. Adv. with Mr. Surya Narayan Sah, Adv.
For the Opposite Party/s :		Mr. Nirmal Kumar Sinha APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Nirmal Kumar Sinha, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.



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

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Kasim Bazar P. S. Case no.111 of 2020 instituted for the offence under Sections 147, 148,149, 188, 353, 269, 270, 307 and 333 the Indian Penal Code.

60 to 70 unknown persons and 19 named accused persons, including the petitioners have allegedly stone pelted the police party when they were trying to enforce the lock down.

It is submitted by the learned senior counsel representing the petitioners that they have falsely been implicated in this case on extraneous consideration as otherwise it would not have been possible to identify 19 accused persons by name. There is specific statements that none from the police party sustained any injury in the process and that there is general and omnibus allegation against all the accused persons.The petitioners bear no criminal antecedents.

The learned APP for the State has opposed the prayer for



anticipatory bail.

Considering the aforesaid facts, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of CJM Munger, in connection with Kasim Bazar P. S. Case No. 111 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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