

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24544 of 2021

Arising Out of PS. Case No.-62 Year-2020 Thana- BARABAR TOURIST District- Jehanabad

1. MD. MOTALLIB Son of Alimam Resident of village - Dakra, P.S.- Barabar Paryatak, Distt.- Jehanabad.
2. MD IMRAN Son of Md. Abrar Resident of village - Dakra, P.S.- Barabar Paryatak, Distt.- Jehanabad.
3. MD ARSHAD Son of Md. Naushad Resident of village - Dakra, P.S.- Barabar Paryatak, Distt.- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sati Ranjan Jamaiyar, Advocate
For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.1, as the petitioner No.1 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.1 is dismissed as withdrawn.



The petitioner Nos.2 and 3 are apprehending their arrest in connection with Barabar Paryatak P.S. case No.62/2020 registered under Sections 147, 148, 149, 186, 188, 353 of the Indian Penal Code and Section 9 of Bihar Control of the use of Band play of Loudspeaker Act, 1955 and Sections 51/57 Disaster of Management Act, 2005.

Allegation is that the accused persons have disobeyed the lock down order of the government and assaulted the police personnel.

It has been submitted on behalf of the petitioner Nos.2 and 3 that the petitioner Nos.2 and 3 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.2 and 3. The petitioner Nos.2 and 3 have falsely been implicated in the present case. General and omnibus allegation has been made. Brick batting is alleged to have taken place. The names of petitioner Nos.2 and 3 have transpired in this case on the basis of disclosure made by the local residents as per F.I.R. The names of local residents, who have named the petitioner Nos.2 and 3, have not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner Nos.2 and 3 in this case.



On behalf of the State, it is submitted that the petitioner Nos.2 and 3 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner Nos.2 and 3, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, 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 Sri Alok Ranjan, J.M., 1st class, Jehanabad in connection with Barabar Paryatak P.S. case No.62/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

