

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 31320 of 2020

Arising Out of PS. Case No.-296 Year-2020 Thana- ARARIA District- Araria

1. NIKKU JHA @ PRAKASH KUMAR JHA S/o Late Shashinath Jha R/o Vill.-Araria Basti, P.S.-Araria (Bairgachhi), District-Araria.
2. Gayas Ansari S/o Late Nasir Ansari Resident of Village-Momin Tola Ward No.8, P.S.-Araria (Bairgachhi), District-Araria.
3. Alam @ Md Alam Abras S/o Haroon Ansari Resident of Village-Momin Tola Ward No.8, P.S.-Araria (Bairgachhi), District-Araria.
4. Murtaza Ansari @ Md Murtaza Ansari S/o Abdul Ansari Resident of Village-Momin Tola Ward No.8, P.S.-Araria (Bairgachhi), District-Araria.
5. Mantu S/o Late Zafar Resident of Village-Bairgachhi, P.S.-Araria (Bairgachhi), District-Araria. At present Village- Bhagwanpur, P.S.-Jokihat, District-Araria.
6. Shahid S/o Bhola Resident of Village-Bairgachhi, P.S.-Araria (Bairgachhi), District-Araria.
7. Md Pappu @ Shamshad S/o Afsar @ Ekhalaque Resident of Village-Bagwanpur, P.S.-Jokihat, District-Araria.
8. Nikku @ Nikki @ Naki Ahmad S/o Ekhalaque Resident of Village-Bhagwanpur, P.S.-Jokihat, District-Araria.
9. Fazla @ Rahman @ Md Fazlur @ Faslo S/o Tajuddin Resident of Village-Belwari, P.S.-Araria (Bairgachhi), District-Araria.
10. Talib @ Md Talib S/o Gyasuddin Resident of Village-Belwari, P.S.-Araria (Bairgachhi), District-Araria.
11. Rinku S/o Eltab Resident of Village-Belwari, P.S.-Araria (Bairgachhi), District-Araria.
12. Ashique @ Md Ashique S/o Raish Resident of Village-Belwari, P.S.-Araria (Bairgachhi), District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Anil Prasad Singh
For the Opposite Party/s : Mr Ajay Kr No 2, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4

19-02-2021

Heard learned counsel for the petitioners and the



learned APP for the State.

Petitioners apprehend arrest in connection with Araria (Bairgachhi) Police Station (for brevity, *PS*) Case No 296 of 2020 instituted for the offence punishable under Sections 147, 149, 341, 323, 353, 332, 188, 279, 270 of Indian Penal Code read with Section 51 of the Disaster Management Act, 2005.

28 named persons and 100 – 150 unidentified persons have been made accused. The allegation is that a fire had broken out in the market and when the police had gone to the place, the accused persons have obstructed them and manhandled them. They also destroyed the property. There is allegation of attempting to snatch arms from the police personnel.

It is submitted by the petitioners' counsel that the petitioners are in fact the shopkeepers whose shops have caught fire. They were there trying to douse the fire and, on suspicion, they have been implicated though there is no specific allegation against them. It is further submitted that there is delay of two days in lodging the First Information Report. It is also submitted that there is no injury report regarding any of the officials having sustained injuries in the process.

Learned APP for the State has opposed the prayer for



anticipatory bail.

Considering the rival submissions, prayer for anticipatory bail in respect of petitioners No 1, 5, 6, 7, 8, 9, and 11 above named is allowed.

In the event of surrender/arrest of petitioners No 1, 5, 6, 7, 8, 9 and 11, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in Araria (Bairgachhi) PS Case No 296 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also 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.

Learned counsel for the petitioners is expected to



honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U			
---	--	--	--

