

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31799 of 2020**

Arising Out of PS. Case No.-86 Year-2020 Thana- SIMRI District- Darbhanga

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1. Md. Ashfaq Khan @ Ashfaq Khan @ Ashfaq Khan, Gender-Male, aged about 65 years, Son of Ayub Khan
  2. Imran Khan @ Md. Imran Khan, Gender-Male, aged about 31 years, Son of Md. Ashfaq Khan @ Ashfaq Khan @ Ashfaq Khan
  3. Mumtaz Khan, Gender-Male, aged about 47 years, Son of Late Chhitan Khan
  4. Ruhi Khanam, Gender-Female, aged about 42 years, Wife of Mumtaz Khan

All Resident of Village- Bashtwara, P.S.- Simri, District- Darbhanga.

5. Sufiyan Khan, Gender-Male, aged about 19 years, Son of Qumre Alam Khan, Resident of Village- Gauri, P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate  
For the State : Mr. Md. Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 20-02-2021**

Heard Mr. Md. Anis Akhtar, learned counsel for the petitioners and Mr. Md. Arif, learned In-charge Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. At the outset, learned counsel for the petitioners submitted that the prayer on behalf of petitioner no. 1 has become infructuous as he has already been arrested and, thus, the Court may consider the prayer for petitioners no. 2 to 5.



3. The petitioners no. 2 to 5 apprehend arrest in connection with Simri PS Case No. 86 of 2020 dated 30.04.2020, instituted under Sections 147/ 148/ 149/ 188/ 269/ 270/ 295/ 295A/ 353/ 307/ 504/ 506 of the Indian Penal Code.

4. The allegation by the police against the petitioners is that they had resorted to brick-batting with each other.

5. Learned counsel for the petitioners submitted that the parties are on litigating terms as earlier also cases were filed between them and for the same occurrence the other side has filed a case in which the petitioners have been granted anticipatory bail. Learned counsel submitted that the genesis of the dispute is that against the other side who claims to belong to scheduled caste, the petitioner no. 1 had raised objection and upon enquiry it has been found that she did not belong to the said caste and in fact the money given by the government has also been asked to be refunded.

6. Learned APP submitted that the petitioners are alleged to have indulged in brick-batting causing disturbance of peace between communities.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within



six weeks from today, the petitioners no. 2 to 5 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, Darbhanga in Simri PS Case No. 86 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners no. 2 to 5, (ii) that the petitioners no. 2 to 5 and the bailors shall execute bond with regard to good behaviour of the petitioners no. 2 to 5, and (iii) that the petitioners no. 2 to 5 shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation would lead to cancellation of their bail bonds.

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

**(Ahsanuddin Amanullah, J)**

Anjani/-

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