

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.380 of 2021

Arising Out of PS. Case No.-63 Year-2020 Thana- PIRBAHOR District- Patna

1. MD. KAMRUDDIN @ KAMR MIYAN S/o Md. Siddaki Resident of House No. 173 B, Tea Stall, Ganja Gali More, Mahendru, P.S.- Pirbahore, Town and District- Patna
2. MD FEROUZ KHAN @ KUNAL S/o Md. Shamim Resident of 10 Flat No. 101, Abu Plaza, Lall Bagh, Ayurb Gali, P.S.- Pirbahore, Town and District- Patna. At present Ganjagali, in front of Cigarette Shop, Krishna Ghat, P.S.- Pirbahore, Town and District- Patna
3. SHAHAB RAJA @ RAJA S/o Md. Kamruddin @ Kamru Miyan @ Saheb S/o Md. Siddaki, Resident of House No. 173 B, Tea Stall, Ganja Gali More, Mahendru, P.S.- Pirbahore, Town and District- Patna
4. MD SHAHNAWAZ ALI @ SHAHI LASSI WALE KA BETA R/o village- Ganjagali, Lallbagh, Pirbahore, P.S.- Pirbahore, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.
For the Opposite Party/s : Mr.Dr. Mirtunjaya Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-12-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Learned counsel for the petitioners submits that the petitioner no.1 has been arrested, therefore, his prayer for pre-arrest bail has become infructuous.

As prayed, let this application as regards the petitioner no.1 be treated to have been dismissed as having become infructuous.



Now this application survives in respect of petitioner nos.2, 3 and 4.

Heard learned counsel for the petitioners and Mr. Dr. Mritunjaya Kumar Gautam, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Pirbahore P.S. Case No.63 of 2020 registered for the offences punishable under Sections 188, 147, 148, 149, 341, 323, 307, 379, 427, 353 of the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of the Explosive Substances Act.

Learned counsel for the petitioners submits that as per the FIR there was a clash between the two groups of students on account of immersion of Goddess Saraswati. It is alleged that these petitioners who are the residents of the mohalla together with some other unknown persons about 600-700 in numbers had got involved in stone pelting and throwing bombs.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the materials present in the case diary particularly the statements of the local witnesses naming the petitioner nos.2 and 4 as the persons who were involved in throwing bombs and the residue kept in the Dabba of Pan



Masala and in the said occurrence police vehicles were burnt and some of the students sustained injuries due to explosion of the bombs, this Court is not inclined to grant privilege of anticipatory bail to petitioner nos.2 and 4. Their prayer for pre-arrest bail is, thus, rejected.

In case they surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merits.

So far as petitioner no.3 Shahab Raja @ Raja is concerned, learned APP for the State submits that name of one Shahab Alam has come and Shahab Raja is not named by the witness, therefore, giving benefit of that, this Court directs that the petitioner no.3 Shahab Raja @ Raja in the event of his arrest or surrender within a period of four weeks from today in connection with Pirbahore P.S. Case No.63 of 2020 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Judge-XI, Patna, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no.3 and in case at any stage it is found that the petitioner no. 3 has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no.3. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

