

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57313 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- MUFFASIL District- West Champaran

1. Saddam Hussain, about 32 Y/M, S/O Ejaj Hussain, R/O Village-Mansha Tola, P.S-Bettiah Muffasil, District-West Champaran.
2. Saheb Alam @ Parvej Majahar @ Md. Parwej Mazhar, about 33 Y/M, S/O Mozre Alam, R/O Village-Mansha Tola, P.S-Bettiah Muffasil, District-West Champaran.
3. Raza Alam @ Mobin Sarfaraz, about 35 Y/M, S/O Sheikh Munna, R/O Village-Mansha Tola, P.S-Bettiah Muffasil, District-West Champaran.
4. Chhote Alam @ Zami Akhtar, about 34 Y/M, S/O Raja Hussain, R/O Village-Mansha Tola, P.S-Bettiah Muffasil, District-West Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 21-12-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

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

The petitioners are apprehending their arrest in connection with Bettiah Muffasil P.S. Case No. 58 of 2020 for the offence registered under Sections 143, 152, 188, 353, 332, 333 of the I.P.C. and $\frac{3}{4}$ of the Bihar Essential Services Maintenance Act, 1948.

The prosecution story, in brief, is that on 29.01.2020, there was call of 'Bharat Band' and the informant Ashok Kumar, S.H.O. of Bettiah (M) alongwith armed forces was on duty to



maintain law and order and in course thereof, when he reached near Mansha Tola, he saw that the petitioners alongwith other F.I.R. named accused and 60-70 unknown persons have blocked NH-727 road near Mansha Tola due to which, traffic was disturbed. He tried to remove the gathering but the accused persons including these petitioners did not agree. It has also been alleged that they raised slogans against the police and burnt tyre on the road. They created hindrance in discharge of duties by the police personnel and disturbed the public peace and tranquility.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that the local residents were protesting against N.R.C., C.A.A. and N.R.P. Altogether 13 persons alongwith 60-70 unknown persons have been made accused in this case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. West Champaran at Bettiah, in connection with Bettiah Muffasil P.S. Case No. 58 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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