

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7383 of 2021

Arising Out of PS. Case No.-480 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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MD. NAUSHAD SON OF MD. FAKRU R/O MOHALLA- HABIBPUR,
NEAR BADHIYACHAK, P.S.- HABIBPUR, DISTRICT- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.
For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 Heard.

The petitioner apprehends his arrest in connection with Kotwali P.S. Case No. 480 of 2020 for the offence punishable under Sections 147, 148, 149, 188, 341, 269, 270, 353, 427, 332, 333, 307 of the Indian Penal Code.

The allegation is regarding the petitioner along with other accused persons having taken out a religious procession during the lock down period and when the police and other government officials had tried to prevent from taking out of a procession, they had resorted to riotous behaviour.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has



further submitted that a general and omnibus allegation has been levelled against the petitioner and his name has transpired in the present case upon disclosure made by the co-villager regarding the petitioner being one of the accused persons who had engaged in riotous behaviour. It is also submitted that though it is the stand of the prosecution that CCTV footage have been captured qua the said incident, but till date no materials has come forth to suggest that the petitioner has been identified as an aggressor in the CCTV footage.

Per contra, the learned APP for the State has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the materials available on record as also considering the fact that the petitioner is having a clean antecedent and a general and omnibus allegation has been levelled against the petitioner, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali P.S. Case No. 480 of 2020, subject



to the conditions as laid down under Section 438(2) of the
Cr. P.C.

(Mohit Kumar Shah, J)

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