

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9368 of 2022**

Arising Out of PS. Case No.-194 Year-2020 Thana- HATHAURI District- Muzaffarpur

Md. Mumtaj Son Of Md. Farukh R/O Village- Khanpur, P.S.- Hathauri,
District- Muzaffarpur, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 25-04-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The present case has been taken out of turn based on the mentioning made by the learned counsel for the petitioner that the daughter of the petitioner is getting married to Ajijam Mohammad Ansari Anwar on 07.05.2022.

The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 448, 504 and 506 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 29.11.2021, charge-sheet has been submitted in the case and has antecedent of three cases.

Allegation is of firing by 44 named accused persons,



including the petitioner, and 44-50 unknown persons causing injury to Mahmud Ayaz and Reyaz and the accused also raised slogans against India and in support of Pakistan and claimed themselves to be members of Indian Mujahideen Hind Sena.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, allegation of firing is general and omnibus in nature and co-accused Munne has been granted bail vide order dated 21.10.2021 passed in Cr. Misc. No. 40944 of 2021.

Learned counsel for the informant appears and opposes the prayer for bail of the petitioner and submits that the petitioner has also filed an anticipatory bail application being Cr. Misc. No. 56888 of 2021 and the same is still pending adjudication. Learned counsel further submits that he had appeared in the said anticipatory bail application, but for some reason he could not file Vakalatnama in the present case though he has been instructed by the informant to appear and oppose the present bail application. It is submitted that the ground on which the present case has been mentioned, showing urgency that the daughter of the petitioner is getting married, does not exist.

Considering the fact that the petitioner is in custody



since 29.11.2021, charge-sheet has been submitted in the case, his daughter is getting married as submitted aforesaid and the fact that the co-accused has been granted bail, let the petitioner above named be **released on provisional bail** on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Hathauri P.S. Case No. 194 of 2020 with a condition that one of the bailors of the petitioner shall be his father, Md. Farooq.

The learned court below will seek a report from the Senior Superintendent of Police, Muzaffarpur that as to whether the daughter of the petitioner is getting married or not on 07.05.2022. In the event, if the report records that the Court was misled for the purposes of bail, then the learned court below shall take all coercive steps to ensure that the petitioner is taken back in custody.

In the event, if the report confirms that the daughter of the petitioner is getting married on 07.05.2022, the learned court below shall immediately confirm the provisional bail of the petitioner.

At this stage, the learned counsel for the petitioner



submits that the said anticipatory bail application has been filed by another learned counsel and as such it could not be withdrawn, despite the fact that petitioner was arrested but he has instructions to make submission that the case is going to be withdrawn today. It is further submitted that inadvertently the said fact could not be stated in paragraph '2' of the bail application and as such he seeks permission to make rectification in the pleading made at paragraph '2' of the bail application.

Permission is accorded.

(Satyavrat Verma, J)

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