

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15157 of 2022

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

1. TAJMULLAH ALAM @ TEJAMUL ALAM SON OF VASIR MIYAN R/O VILLAGE- BARI TOLA, P.S.- BETTIAH MUFFASIL, DISTRICT- WEST CHAMPARAN
2. ARMAN ALAM SON OF ALI HASSAN MIYAN R/O VILLAGE- BARI TOLA, P.S.- BETTIAH MUFFASIL, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

Petitioners apprehend their arrest in a case registered for offence punishable u/s 143, 152, 188, 353, 333 IPC and section 3/4 of the Bihar Essential Service Maintenance Act.

Allegedly, the accused persons named in F.I.R. including the petitioners forming an unlawful assembly are involved in protest against CAA, NRC, NPR and in due course, they obstructed the traffic and the officials in discharge of the Government work. They also put fire on Tower and burnt tyres



on the road. Such activity created inconvenience to the public and also caused hindrance in the Government work.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to dirty village politics. No such occurrence, in the manner as alleged, has ever taken place. Though the allegation against petitioners is of creating and obstructing the traffic on the call of Bharat Band against the protest of CAA, NRC, NPR but there is no specific allegation against the petitioners. They are at best can be said to be the members of mob. Petitioner No.1 has one criminal antecedent and petitioner No.2 has no criminal antecedent. All the allegation alleged in the FIR is general and omnibus against the petitioners. It is further submitted that several other similarly situated co-accused have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc No. 57313 of 2021 vide order dated 21.12.2021.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the similarly situated co-accused have been granted bail, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below



within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each 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 Bettiah Muffasil P.S. Case No.58 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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