

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33228 of 2021

Arising Out of PS. Case No.-147 Year-2020 Thana- BHARGAMA District- Araria

1. Md. Rafiqu @ Rafiqu S/O Samsul Haque @ Samsul R/O Village-Chharrapatti, Bishahriya, P.S.-Bhargama, District-Araria.
2. Md. Nigar @ Nigar S/O Md. Samir @ Samidurrahman R/O Village-Chharrapatti, Bishahriya, P.S.-Bhargama, District-Araria.
3. Samad @ Abdul Samad S/O Md. Mahbuddin @ Mahbuddin R/O Village-Chharrapatti, Bishahriya, P.S.-Bhargama, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 152, 186, 188, 269, 270, 353, 323 and 504 of the Indian Penal Code and Section 9 of the Bihar Control of the use and play of Loudspeaker Act, 1955.

As per F.I.R., the informant Sanjay Kumar, Circle Officer, Araria on the eve of Moharram, received confidential report on



31.08.2020 regarding the fact that under conspiracy some unauthorised Moharram players are going to assemble in Karbala and he informed the matter to the higher authority and deputed force near at Kalimandir bridge and about 17 hrs. saw un-ruled mob is coming from the village Bisahariya and Dhoruapatti armed with *lathi, farsa and bhala, D.J. loudspeaker* by making hue and cry. The informant convinced the crowd through public address system installed on the government vehicle and requested not to illegally assemble and disappear, but the crowd became furious and they were adamant to break the law and order situation and they also dashed with the members of the police force. The accused persons created obstacles and deterred the government officials from discharging their duty.

Learned counsel for the petitioner submits that the petitioner nos. 1 and 3 have clean antecedents and petitioner no. 2 is made accused in one another case. Learned counsel for the petitioners submit that they have been falsely implicated only on the basis of suspicion. In fact the petitioners were not present at the time of place of occurrence. Similarly situated co-accused persons namely Gilwan @ Md. Gilwan @ Md. Gilwan Alam has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 03.02.2022 in Cr. Misc. No. 22902 of 2021.

Learned APP for the State has opposed the prayer for bail of the petitioners.



Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bhargama P.S. Case No. 147 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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