

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35400 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- KEWATI District- Darbhanga

1. ISHTEYAK AHMAD KHAN S/o Mustak Ahmad Khan R/o village- Lahwar, P.S.- Keoti, District- Darbhanga
2. Md. Ali Khan @ Mahil Khan S/o Md. Mustafa Khan R/o village- Lahwar, P.S.- Keoti, District- Darbhanga
3. Sharib Khan @ Sonu Khan S/o Tufait Ahmad Khan R/o village- Lahwar, P.S.- Keoti, District- Darbhanga
4. Sajid Ahmad Khan @ Shabnam Khan S/o Kaiyum Khan R/o village- Lahwar, P.S.- Keoti, District- Darbhanga
5. Naushad Khan S/o Late Nesar Khan R/o village- Lahwar, P.S.- Keoti, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jawed Gaffar Khan, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners, at the outset, submits that the petitioner nos. 1 and 3 were arrested during pendency of the anticipatory bail application as such seeks permission to withdraw the anticipatory bail application with respect to them.

Permission is accorded.

The petitioners apprehend their arrest in a case



registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 295(A), 379, 505(2), 427, 153(A), 506 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that the petitioners were part of a mob which came and vandalized the shop of the informant and other neighboring shops in which 33 named persons, including the petitioners, and 120-125 unknown persons have been made accused.

Learned counsel for the petitioners submits that similarly situated co-accused have been granted bail vide order dated 26.04.2021 in Cr. Misc. No. 21846 of 2021 and thus learned counsel, based on parity, submits that petitioners are also entitled to the privilege of anticipatory bail as their case is also similar to the accused who have been granted bail.

Learned counsel for the informant and learned A.P.P. for the State oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submission of the learned counsel for the petitioners that the similarly situated co-accused have been granted anticipatory bail.

Considering the submissions made by the learned counsel for the petitioners and taking into consideration the fact



that the similarly situated co-accused have been granted bail, let the petitioner nos. 2, 4 and 5, in the event of their arrest or surrender before the learned Court below within a period of six 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 court below where the case is pending/successor court in connection with Keoti P.S. Case No. 120 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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