

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35073 of 2021**

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

1. MAHMOOD ALI KHAN @ BOGDAD KHAN SON OF MD. MUSTAFA KHAN R/O VILLAGE- LAHWAR, P.S.- KEOTI, DIST.- DARBHANGA
2. FIROZ AKHTAR KHAN SON OF RAJA AHAMAD KHAN R/O VILLAGE- LAHWAR, P.S.- KEOTI, DIST.- DARBHANGA
3. KAMRE ALAM HAJAM SON OF SHAMSE ALAM HAJAM R/O VILLAGE- LAHWAR, P.S.- KEOTI, DIST.- DARBHANGA
4. NAUSHAD HAJAM SON OF KHUSHEED HAJAM R/O VILLAGE- LAHWAR, P.S.- KEOTI, DIST.- DARBHANGA
5. WAHID HUSSAIN KHAN SON OF SAHANGRI KHAN R/O VILLAGE- LAHWAR, P.S.- KEOTI, DIST.- DARBHANGA
6. IRSHAD AHMAD KHAN SON OF LATE JAMIL AHMAD KHAN R/O VILLAGE- LAHWAR, P.S.- KEOTI, DIST.- DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jawed Gaffar Khan, Adv.  
For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      09-06-2022                      Heard learned counsel for the petitioners and the learned counsel for the informant as well as learned A.P.P. for the State.

At the outset, learned counsel for the petitioners submits that petitioner No.4 has been taken in to custody, therefore, this application has become now infructuous with respect to petitioner No. 4 only.

Accordingly, this application stands dismissed as



having been infructuous with respect to petitioner No. 4 only.

The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 148, 149, 341, 323, 307, 295(A), 379, 505(2), 427, 153(A), 506 and 504 of the Indian Penal Code.

The petitioners are said to have been part of a mob which came and vandalized the shop of the informant and other neighboring shops in which 33 persons have been named including the petitioners and 120-125 unknown persons have also been made accused.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and has falsely been implicated in this case merely on the basis of suspicion. He further submits that there general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. He further submits that the similarly situated six co-accused persons have been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 26.04.2021 passed in Cr. Misc. No. 21846 of 2021. Hence, the petitioners may be granted the privilege of anticipatory bail.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (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 Keoti P.S. Case No. 120 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

(1) Petitioners shall co-operate in the investigation 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 bond shall be canceled by the Court below.

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

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 antecedent, 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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