

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35887 of 2021

Arising Out of PS. Case No.-461 Year-2020 Thana- KUDHNI District- Muzaffarpur

1. MD MUJAHID Son of late Md. Ishrail, Resident of Village - Balaur, P.S.- Kudhani, Distt.- Muzaffarpur.
2. Md. Jahid Son of late Md. Ishrail Resident of Village - Balaur, P.S.- Kudhani, Distt.- Muzaffarpur.
3. Md. Kaliya Son of Idi Miyan Resident of Village - Balaur, P.S.- Kudhani, Distt.- Muzaffarpur.
4. Md. Firdaush Son of Md. Ashraf Resident of Village - Balaur, P.S.- Kudhani, Distt.- Muzaffarpur.
5. Md. Akbar Son of Md. Ashif Resident of Village - Balaur, P.S.- Kudhani, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, 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.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307, 188, 295, 295(A), 504, 506/34 of the Indian Penal Code read with Sections 3 and 4 of Epidemic Act, 1897.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 25.07.2020, when the informant was on duty he



got information from the local *chowkidar* that the petitioners and others were found breaking communal peace and tranquility between the two communities by violating the guidelines issued by the Government during Corona pandemic. It is next alleged that the occurrence took place on account of dispute relating to repairing of mobile but later the same turned into a communal fight, further it is alleged that from a Government school the informant recovered petrol and head bottles.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and from perusal of the allegation as alleged in the F.I.R. it would manifest that the allegations are general and omnibus in nature, there is no specific allegation against any of the petitioners except that they were also the members of the mob. It is next alleged that peace and tranquility has been restored between both the communities. Learned counsel submits that similarly situated co-accused have been granted bail vide order dated 07.06.2022 in Cr. Misc. No. 29901 of 2021.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, 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 Kudhani P.S. Case No. 461 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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