

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1351 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- BHAPTIAHI District- Supaul

Md. Mustafa Kamal @ Md. Mustafa, Son Of Abdul Gaffar Resident Of
Village - Chhitahi Hanuman Nagar, Ward No.12, P.S.- Bhaptiyahi, Distt.-
Supaul.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 188,
153(A), 143 of the Indian Penal Code, Section 130(i) of the
B.P.R.A. Act, 2006 and Section 9 of the Loudspeaker Act, 1955.

The learned counsel for the petitioner submits that the
petitioner has antecedent of two cases and the informant alleges
that during panchayat election, the wife of the petitioner was
contesting the election. Further a meeting was organized at the
door of the petitioner in which, 40-50 persons participated and
loudspeaker was used for giving speeches. It is next alleged that
Md. Isa Anwar gave inflammatory speeches as detailed in the



F.I.R. which had the effect of creating communal disturbances.

Further, the meeting was video recorded.

The learned counsel for the petitioner submits that from bare reading of the allegation as alleged in the F.I.R., it would manifest that the meeting was held at the door of the petitioner and his wife was a candidate in the panchayat election in which the certain inflammatory speeches was made. It is next submitted that the F.I.R. does not even remotely suggest that it was the petitioner at whose behest such speech was made. It is also submitted that petitioner was completely unaware that Md. Isa Anwar would make such inflammatory speech which may have effect of creating communal disturbances. The learned counsel next submits that in the F.I.R., it is alleged that the meeting was held without permission, but the said allegation is a mere concoction in order to give serious colour to the case. The learned counsel submits that Nasima Khatun @ Bibi Nasima @ Bibi Nasima Khatoon has been granted anticipatory bail by order dated 21.06.2022 in Cr. Misc. No.648 of 2022 and the petitioner, who is husband of Nasima Khatoon is similarly situated like her.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bhaptiyahi P. S. Case No.130 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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