

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5435 of 2023

Arising Out of PS. Case No.-435 Year-2021 Thana- ISLAMPUR District- Nalanda

1. MD. MUSTAK Son of Md. Razzak R/V/Mohalla- Khagri , Nuniya Tola, P.s- Islampur Dist- Nalanda
2. Md. Aasik Son of Md. Tavarak R/V/Mohalla- Khagri, P.s- Islampur Dist- Nalanda
3. Md Naushad @ Md. Naushad Alam Son of Kayamudin @ Md. kaiauddin R/V/Mohalla- Khagri, P.S.- Islampur Dist- Nalanda
4. Md. Shahnawaz @ Md. Shahnawaz Alam @ Shahnawaz Alam Son of Md. Shabbir Ahmad R/V/Mohalla- Khagri , P.s- Islampur Dist- Nalanda
5. Md. Shahjad @ Md. Shahjada Son of Md. Sameer R/V/Mohalla- Khagri , Murgia Tola, P.S.- Islampur Dist- Nalanda
6. Md. Mahbub Alam son of Md. Mokhtar R/V/Mohalla- Khagri Gathpar, P.s- Islampur Dist- Nalanda
7. Md. Sabbir @ Md. Sabbi Ahamad Son of Md. Sahiuddin R/V/Mohalla- Khagadir , P.S.- Islampur Dist- Nalanda
8. Md. Bablu @ Md. Ballu Son of Md. Wakil R/V/Mohalla- Khagadir,, P.s- Islampur Dist- Nalanda
9. Md. Sohail Alam Son of Subhan R/V/Mohalla- Satyarganj, P.s- Islampur Dist- Nalanda
10. Md. Ashique Son of Md. Ismail R/V/Mohalla- Chaksadi , P.s- Islampur Dist- Nalanda
11. Md. Jahagir Alam @ Md. Jahangir @ Md. Jahangir Ansari Son of Md. Rafik Alam R/V/Mohalla- Satyarganj, P.S.- Islampur Dist- Nalanda
12. Firoj @ Mohammad Firoj Alam Son of Mohammad Usman @ USMAN ALI R/V/Mohalla- Vigha, P.S.- Islampur Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh,Adv.
For the Opposite Party/s : Mr.Md. Aslam Ansari,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioners
and learned APP for the State.

The petitioners apprehend their arrest in



connection with Islampur P.S. Case No.435 of 2021, registered for offences under Sections 147, 149, 342, 353, 388, 269, 270, 271, 120(B) of the Indian Penal Code.

The allegation against the petitioners and other accused persons is regarding them having taken out a procession on the alleged date and time of occurrence, resulting in blockage of the road. It is also alleged that the said procession was taken out during the Covid-19 pandemic period, although the Government had imposed a complete ban on taking out such procession.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the petitioners and similarly situated co-accused persons have already been granted the privilege of anticipatory bail, nonetheless, the petitioners, in order to show their bonafide, are ready to deposit a sum of Rs. 1,000/- (rupees one thousand) each before the District Legal



Services Authorities, Nalanda at Bihar Sharif.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, I deem it fit and proper to direct for release of the petitioners on bail, immediately upon showing the proof of deposit of a sum of Rs.1,000/- each, as aforesaid and subject to such conditions as may be deemed fit and proper to be imposed by the learned Court of A.C.J.M., Hilsa, Nalanda in connection with Islampur P.S. Case No.435 of 2021.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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