

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42244 of 2023

Arising Out of PS. Case No.-487 Year-2019 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Mintu @ Azharuddin Quraishi Son of Jainul Abdin Resident of Mohalla - Quraishi Mohalla, P.S.- Aurangabad Town, District - Aurangabad.
 2. Chhotu Son of Ashik Resident of Mohalla - Shahganj, P.S.- Aurangabad Town, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 02-08-2023 Heard Mr. Shailesh Kumar Singh, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Aurangabad Town P.S. Case No. 487 of 2019, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 332, 333, 337, 338, 353, 186, 307, 504, 506, 427, 386 of the Indian Penal Code; Sections 3/4 of the Explosives Substance Act; Section 3/4 of the Prevention of Damage to Public Property Act; Section 27 of the Arms Act and Section 67 of the Information Technology Act.

3. Allegedly all the FIR named accused persons 82 in



number and 100-150 unknown persons are said to have been made obstruction to deter the police personnels in discharging their public duties while protesting against the enactment of the Citizenship Amendment Act.

4. Learned counsel appearing on behalf of the petitioners submits that there is omnibus allegation against all the accused persons, including the petitioners, and moreover neither any person has sustained any injury nor any specific overt act is alleged against the petitioners. He further submits that co-accused persons having identical allegation have been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 26573 of 2020 *vide* order dated 05.11.2020 and Cr. Misc. No. 10210 of 2023 *vide* order dated 20.04.2023, copies of which have been brought on record by way of Annexure-2 series.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioners have made obstruction in discharge of public duties and, as such, they do not deserve the privilege of anticipatory bail.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the fair antecedent and the fact that co-



accused persons having identical allegation have been allowed the privilege of anticipatory bail, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 487 of 2019, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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