

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44236 of 2023

Arising Out of PS. Case No.-277 Year-2020 Thana- KOTWALI District- Patna

1. DR. MADAN MOHAN JHA S/O LATE NAGENDRA JHA R/O 127, Kautilya Nagar Veterinary College, MLA, M.P. Colony, Rukunpura, P.S- Hawai Adda, Distt. Patna, (M.L.C., Ex. President Bihar Pradesh Congress Committee, Patna).
2. Anil Kumar Sharma S/O Late Chandrika Singh R/o Village- Bidhipur, P.S- Salimpur, Distt.- Patna (Ex. president Bihar Pradesh Congress Committee, Patna).
3. Kaukab Quadri S/O Syed Abrar Ahmad R/O Mohalla- House No. B-8, Alinagar Colony, Anisabad, P.S- Anisabad, Distt.- Patna (Ex. working president Bihar Pradesh Congress Committee, Patna).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey
For the Opposite Party/s : Mrs. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-08-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 353 and other allied Sections of the Indian Penal Code and u/s 51 and 57 of the Disaster Management Act.

3. The allegation against the petitioners is that they and other accused persons disobeyed the order and direction of State Government and organized procession in strictly prohibited areas. It is also alleged that the accused persons scuffled with the police and other passer-by which resulted in commotion and



some police officials and others got injured.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that in the impugned order, it is wrongly mentioned that the petitioners were granted benefit of police bail. He submits that the petitioners have been granted benefit of Section 41A of the Cr.PC and charge sheet has been submitted against the petitioners, then the anticipatory bail application is maintainable. Petitioners have criminal antecedents, mentioned in para-3 of the bail application.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Kotawali P.S. Case No.277 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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