

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50056 of 2023**

Arising Out of PS. Case No.-38 Year-2017 Thana- KISHANGANJ District- Kishanganj

1. Sakir Alam @ Md. Sakir Son Of Late Zakir Hussain Resident Of Village- Ruidhasa Khanque Bagicha, Ps- Kisanganj, Dist- Kishanganj
2. Md. Irfan Son Of Abdur Rahman Resident Of Village- Line Khanka Chowk, Ps- Kishanganj, Dist- Kishanganj
3. Md. Sakil Azad @ Azad Son Of Late Masleuddin Resident Of Village- Panibag Ward No. 04, Ps- Kishanganj, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar  
For the Opposite Party/s : Mr. Raj Kishor Singh

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      12-09-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 353 and 333 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, there is allegation against the petitioners is that they assaulted the police party and were carrying dangers articles such as petrol canes, pieces of tyres and match boxes and have also put some vehicles on fire.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this



case. He further submits that there is general and omnibus allegation against the petitioners. He submits that the petitioners were granted benefit of Section 41(A) of the Cr.P.C. He further submits that there is no specific overt act against the petitioners. He submits that petitioners are only members of the mob. He further submits that petitioner no.2 has got no criminal antecedent and petitioner no.1 & 3 have got two criminal antecedents as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the aforesaid facts and circumstances and the fact that petitioners are only members of the mob, let the petitioners, named above, in the event of their arrest/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.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Kishanganj P.S. Case No. 38/2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

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