

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49290 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- SASARAM NAGAR District- Rohtas

DUKHAN BIND Son of Late Nathuni Bind Resident of village - Kadirganj,
P.S. - Sasaram Town, Distt. - Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 30.05.2023 in connection with Sasaram Nagar P.S. Case No. 275 of 2023, F.I.R. dated 31.03.2023 for the offences punishable under Sections 147, 148, 149, 188, 153(A), 341, 342, 323, 337, 338, 353, 307, 427, 435, 436, 504, 505 and 506 of the Indian Penal Code, Section 27 of the Arms Act and later on section 302 of I.P.C. was added.

According to prosecution case, in brief, is that on occasion of Ram Navami on 31.03.2023, the informant got information over the phone that at Mohalla Chik Toil there is altercation took place between two communities and they were shouting against each other religion and throughing bricks on



each others. The informant informed about it to the superior officials and reached at the place of occurrence with other police officials and found 200-250 persons shouting slogans against each other's religion and they were throwing brick on each other and damaging the houses near the place of occurrence. It is further alleged that due to communal disharmony they assaulted many people.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation and petitioner has no concern with the alleged occurrence. He further submits that bare perusal of F.I.R. it appears that there is no specific allegation of any assault or overt-act is attributed against the petitioner. He further submits that similarly situated, co-accused, namely, Nagina Bind, Md. Shakir @ Md. Sakir, Manzar Hussain, Aftab Alam Popat, Rezwan Khan @ Rizwan Khan, Usman Khan, Sagir Ahmad Quraishi, Shamsad Chaudhary Danish Mansoori have been granted bail by a co-ordinate Bench of this Hon'ble Court vide orders dated 21.07.2023, 14.07.2023, 14.7.2023, 21.07.2023, 21.07.2023, 14.07.2023, 20.07.2023 14.07.2023,



20.07.2023 passed in Cr. Misc. No. 40435 of 2023, Cr. Misc. No.41274 of 2023, Cr. Misc. No.41338 of 2023, Cr. Misc. No.42157 of 2023, Cr. Misc. No.42251 of 2023, Cr. Misc. No.42260 of 2023, Cr. Misc. No.42575 of 2023, Cr. Misc. No.42582 of 2023 and Cr. Misc. No.42775 of 2023. The petitioner is in judicial custody since 30.05.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one but fairly submits that petitioner is on bail in both the cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram Nagar P.S. Case No. 275 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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