

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53922 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- BARURAJ District- Muzaffarpur

Md. Kadir Ansari Son Of Late Md. Muslim Ansari Resident Of Village-
Parsauni, Ps- Baruraj, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 120B, 121, 121A, 153A, 153B of the Indian Penal Code and Sections 10, 13 of the Unlawful Activities (Prevention) Act.

3. As per the prosecution case, on 05.02.2022 one accused Md. Belal @ Irshad was arrested by NIA in connection with NIA Case No. RC 31/2022/NIA/DLI dated 22.07.2022 U/s 120, 120(B), 121, 121(A), 153(A), 153(B), and 34 of IPC and section 13 of UA(P) Act. During the police custody, he disclosed that four/five years ago, he came in contact with one Riyaz Mourif @Bablu, S/O Md. Islam, R/O Kunawa, PS Chakiya, Dist. East Champaran Bihar, who was an active member of Popular Front of India (PFI). Later on, through



Reyaz Mourif, he came in contact with Yaqub Khan @ Sultan @ Usman S/o Ayub Khan, a resident of Mogalpur, P.S. Mehshi, East Champaran, he was also active member of PFI. After getting influenced with them, he joined PFI in 2020. During course of time, he came in contact with many members of PFI such as Md. Roslen of Tamilnadu, Md. Sanaullah of Darbhanga, Tousif of Madhubani, Ansarul Haque, Md. Afroz, S/o Md. Badre Alam, R/o Kasba, PS Mehshi East Champaran, Bihar and Samim Akhtar of Bihar Sharif. Further, he stated that the above said members of PFI used to organized physical training programme at different locations. He had also attended physical training programme at Gandhi Maidan, Motihari inspired by Riyaz Mourif @ Bablu and Yaqub Khan @ Sultan @ Usman. Apart from that, he had also attended several rallies organized by PFI such as rally in Chakiya, East Champaran and Darbhanga District of Bihar. Apart from that he had also attended training and meeting programme organized by PFI cadres at Ahmad Place, Phulwari Sharif Patna in the end of May, 2022. Further, he disclosed that in September/October, 2022, Government of India declared Popular Front of India (PFI) as proscribed organization. After that, Riyaz Mourif @ Bablu instructed him that training, recruitment and other activities of



PFI will be done secretly. In this regard, Reyaz Mourif sent him one voice clip on his Whats App wherein he asked him to come with Yaqub Khan @ Sultan @ Usman to a hidden place located Parsauni village, Muzaffarpur, Bihar. Accordingly, he conveyed the message to Sultan and Afroz, through Whats app. At that place secret meeting was held in connection with the activities of PFI. Acting upon the above disclosure statement of accused Md. Belal @Irshad, a raid was conducted jointly by the NIA team and a team of Baruraj Police Station at the residential premises of Md. Kadir Ansari (petitioner), S/o Md. Muslim Ansari, R/o village Parsauni, P.S. Baruraj, District- Muzaffarpur, Bihar. During the search one printed banner of PFI having image of PFI flag with caption " Registration " Popular Front of India and two swords made of iron having length around 77 cm was recovered and seized from the aforementioned location.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner has got no concern with any of the apprehended accused i.e. Md. Belal @ Irshad or the accused persons to whom he has named as Yaqub Khan @ Sultan or Md. Sanaullah Ansarul Haque, Md. Afroj, Samim Akhtar, Riyaz Mourif @ Bablu. He submits that neither the



petitioner nor any of his family members are knowing about the so called banner or swords and the investigating agency have themselves stated that on the disclosure of Belal @ Irshad when they went at the residential premises of the petitioner, the house was locked inside and it was knocked and Mrs. Azra Naaz wife of the petitioner opened the door and thereafter team introduced themselves and entered into the said house. He submits that there is no specific overt act against the petitioner. He submits that there is no evidence against the petitioner as to show his complicity in the commission of the alleged offences. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

5. Learned APP for the State opposing the prayer for bail submits that the allegation against the petitioner is of hatching criminal conspiracy to disrupt communal harmony, the sovereignty and territorial integrity of India.

6. Considering the facts and circumstances of the case and the nature of allegation, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Baruraj P.S. Case No. 32 of 2023 pending before the court of the learned Sessions Judge-cum-Special Judge, Muzaffarpur.



7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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