

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61866 of 2023

Arising Out of PS. Case No.-303 Year-2020 Thana- GAYA KOTWALI District- Gaya

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1. MD. DANISH @ MD. ISLAM KHAN S/O- LAE SHAHADAT R/O- MOHALLA- EQBAL NAGAR, P.S.- KOTWALI, DIST.- GAYA.
 2. VICKY @ VICKY KHAN S/O- LATE SHAHADAT R/O- MOHALLA- EQBAL NAGAR, P.S.- KOTWALI, DIST.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-10-2023 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Kotwali Police Station Case No. 330 of 2020, disclosing offences punishable under Sections 147/148/149/341/323/307/353/290/427/469/270/504 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report lodged by the Station House Officer, Kotwali, is that on 28.08.2020, at about 12:30 AM, in the night, the informant received information by the controlling party that about 400-500 people had assembled near the karbala



gate and were creating ruckus by trying to break the gate of karbala. The police party arrived at the place of occurrence and their vehicles were stopped by the accused persons. The crowd started pelting bricks and stone and also had scuffle with the police party. When the police used pressure to repulse the crowd back, some persons fled away, However, some of the accused persons were arrested. Altogether 41 named persons are there in the First Information Report, out of which 27 were arrested and other 17 persons succeeded in fleeing away, including the petitioners.

4. Learned Counsel for the petitioners submits that general and omnibus allegation is there against the petitioners, along with 400-500 unknown persons and 41 named accused persons. He further submits tht there is no specific allegation against the petitioners and one of the co-accused person, namely, Md. Vishan, has been granted anticipatory bail by a co-ordinate Bench of this Court, vide order, dated 12.01.2023, passed in Criminal Misc. No. 52187 of 2022.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that



the allegation against the petitioner is general and omnibus in nature and co-accused person has been granted privilege of anticipatory bail by this Court, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali Police Station Case No. 303 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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