

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59489 of 2023

Arising Out of PS. Case No.-211 Year-2020 Thana- GAYA KOTWALI District- Gaya

1. MD TAZIM AKHTAR @ MOHAMMAD TAZIM AKHTAR S/O MOHAMMAD SHAKIL AHAMAD @ MD SHAKIL R/O VILLAGE- PANCHAIYATI AKHARA, EQBAL NAGAR, NEAR PANI TANKI, PS. KOTWALI, DIST. GAYA
2. MD. NASIM S/O LATE MD. SHAMIN R/O VILLAGE- PANCHAIYATI AKHARA, EQBAL NAGAR, NEAR PANI TANKI, PS. KOTWALI, DIST. GAYA
3. MD. SHAKIL S/O MD. SHAUKAT @ MD. SHAUKAT KHAN R/O VILLAGE- PANCHAIYATI AKHARA, EQBAL NAGAR, NEAR PANI TANKI, PS. KOTWALI, DIST. GAYA
4. MD. SANGHIR @ MD SAGHEER @ SAGHIR AHAMAD S/O MD. SAUKAT R/O VILLAGE- PANCHAIYATI AKHARA, EQBAL NAGAR, NEAR PANI TANKI, PS. KOTWALI, DIST. GAYA
5. MD. IMTEYAZ ALAM @ DHANU S/O MOHAMMAD NASIMUDDIN R/O VILLAGE- PANCHAIYATI AKHARA, EQBAL NAGAR, NEAR PANI TANKI, PS. KOTWALI, DIST. GAYA
6. MD. ASHRAF @ ASHRAF ANSARI S/O MD. GULZAR @ MD. GULZAR ANSARI R/O VILLAGE- PANCHAIYATI AKHARA, EQBAL NAGAR, NEAR PANI TANKI, PS. KOTWALI, DIST. GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59605 of 2023

Arising Out of PS. Case No.-211 Year-2020 Thana- GAYA KOTWALI District- Gaya

MURARI YADAV S/O ARVIND YADAV @ ARUN YADAV R/O VILLAGE
EQUBAL NAGAR PS KOTWALI DISTRICT GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59489 of 2023)

For the Petitioner/s :	Mr. Syed Alamdar Hussain, Sr. Advocate
	Mr. Shashi Bhushan Kumar, Advocate
	Mr. Syed Ashger Najmi, Advocate
For the Opposite Party/s :	Mr. Jitendra Kumar Singh, APP



(In CRIMINAL MISCELLANEOUS No. 59605 of 2023)

For the Petitioner/s : Mr. Manisha Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-10-2023 Heard the parties.

2. The petitioners apprehend their arrest in connection with Kotwali P.S. Case No. 211 of 2020 for the offence registered under sections 147, 148, 149, 337, 338, 224, 225, 307, 353, 420 and 120(B) of the Indian Penal Code, section 11 of the Bihar Gambling Act and section 7 of the Lotteries (Regulation) Act lodged on 06.06.2020 by the informant, Ramakant Tiwary.

3. The prosecution case, in brief, as per written report of the informant is that the police party raided a place where 150-200 persons were playing lottery. It is further alleged that the police party arrested one Md. Bablu and recovered some receipt, one mobile and other articles. The police prepared seizure list when it is alleged that 150-200 people came and started pelting stones on police as a result, Md. Bablu succeeded in escaping from the custody of police. Then the police again raided Md. Minhazuddin and seized twenty litres wine and on the basis of local person information, the police gave name of thirty two persons who were throwing stone on police. Accordingly, the FIR.



4. Learned Senior Counsel for the petitioners submit that a bare perusal of the FIR would show that 32 persons have been named throwing stones on the police and they have been implicated only on the basis of local information, out of 100 of people who were assembled. Further submission is that similar situate Md. Minhaj @ Seth Jee @ Minhajudding @ Seth Ji has been granted the privilege of anticipatory bail in Cr. Misc. No. 20142 of 2021 (Annexure 2 to the petition).

5. The last submission is that without accepting the allegation and/or the outcome of the present petition, the petitioners intend to pay Rs. 1,000/- each on their own to the Chief Minister's Relief Fund.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that they assembled and threw stones on the police and after identification, they have been named in the FIR.

7. Taking into account the submissions put forward by the learned Counsel for the parties as also the omnibus allegation that has come, none of the petitioner has criminal antecedent, one of the co-accused has been granted anticipatory bail, as stated above, this Court is inclined to extend them privilege of anticipatory bail subject to the payment of Rs.



1,000/- each as undertaken by the learned Counsel for the petitioners.

8. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 211 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of their bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds;

9. With the aforesaid observations, the anticipatory
bail application stands allowed.

(Rajiv Roy, J)

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