

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59834 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- PARBATTI District- Bhagalpur

MD. ISHTAQUE @ MD. ISTAK son of Late Azlum Sekh Village- Jamunia
Ps- Parbatta Dist- Bgagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-10-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Parbatta P.S. Case No. 65 of 2023 for the offence registered under sections 147, 148, 149, 341, 323, 307, 337, 153(A), 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act lodged on 02.04.2023 by the informant Govind Kumar.

As per the prosecution story, the allegation is that 40-50 unknown persons came to the place during the flag hoisting ceremony and the two sides pelted stones and bricks. In the process, some persons were also injured. Accordingly, the FIR.

It is the case of the petitioner as submitted by the learned counsel for the petitioner that the entire area has been



rounded up inasmuch as all the persons residing there have been named in the First Information Report. Further, this petitioner do not have criminal antecedent. There is no specific allegation against him. One of the co-accused, Altaf Raza has been granted anticipatory bail in Cr. Misc. No. 43307 of 2023 by a co-ordinate Bench of this Court. He further submits that irrespective of the outcome of the present case, he is ready to pay Rs. 2,000/- to the Chief Minister's Relief Funds.

Learned APP for the State opposes the prayer for bail stating that they tried to disturb communal harmony.

Taking into account the fact that omnibus allegation is against 40-50 persons, he has no criminal antecedent, FIR lodged and ultimately, he will have to face the trial, this Court is inclined to grant him privilege of bail subject to payment of Rs. 2,000/- as stated above.

Let the petitioner 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 Additional Chief Judicial Magistrate, -IIIrd, Naugachia, Bhagalpur in connection with Parbatta P.S. Case No. 65 of 2023, 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 petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner 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 the 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;

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

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

