

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57601 of 2023

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

1. Mehndi Khan @ Mehndi Hasan, S/O Md. Rafiq Ahmad, R/O Mohalla – Kajipura, P.S. - Sasaram Town
2. Aftab Khan @ Aftab Alam, S/O - Md. Rafiq Ahmad, R/O Mohalla – Kajipura, P.S. - Sasaram Town

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 188, 153(A), 341, 342, 323, 337, 338, 353, 307, 427, 435, 436, 504, 505, 506 of the Indian Penal Code and Section 27 of the Arms Act. Later on Section 302 of the Indian Penal Code was added.

3. As per prosecution case, during Ram Nawmi festival, altercation took place between the two communities and accused persons and 200-250 unknown persons are alleged to have assaulted many people at night, in which, several police personnel sustained injury. They are also alleged to have caused hindrance in discharge of official duties of the police personnel.



4. It is submitted on behalf of the petitioners that there is no specific overt act has been alleged against these petitioners and they were only attending the festival. Similarly situated co-accused person, namely, Mukesh Kumar Pandey vide order dated 23.08.2023, passed in Cr. Misc. No.49851 of 2023 has already granted anticipatory bail by this Court.

5. Learned counsel for the State oppose the bail petition.

6 Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged 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 the learned C.J.M., Rohtas, in connection with Sasaram (T) P.S. Case No. 275 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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