

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60946 of 2023

Arising Out of PS. Case No.-493 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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1. Sanjur Khan S/O Late Jamil R/O Village- Kofgama, Ward No.-8, P.S- K. Nagar (SRI Nagr), Distt.- Purnia.
 2. Md. Kaishar S/O Md. Badruddin R/O Village- Kofgama, Ward No.-8, P.S- K. Nagar (SRI Nagr), Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh, Adv

For the Opposite Party/s : Mr.Humayou Ahmad Khan APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

2. The petitioners are apprehending their arrest in connection with K Nagar (Sri Nagar) PS Case No. 493 of 2022, registered for the offence punishable under Sections 147,149,341,342,353, 332,224,504 and 506 of the Indian Penal Code.

3. As per prosecution case, when the police was trying to recover the stolen motorcycle form the house of the co-accused, namely Md. Mofil, the petitioners and a large mob assembled at the spot and they obstructed the police from discharging its duty and further they freed co-accused, namely,



Gidri Mishra and Md. Mofil from the custody of the police.

4. It is submitted by the petitioners' counsel that the petitioners are innocent and have been falsely implicated in this case and the allegations are general and omnibus in nature. No overt act has been attributed to the petitioners. The prosecution story is not believable as none of the police personnel received any injury, though it has been stated that a mob of 100-125 persons obstructed the work of police. That apart, large number of co-accused persons have been released on anticipatory bail by different Co-ordinate Bench of this Court vide orders passed in Cr. Misc. Nos. 70073 of 2022, 9249 of 2023 and 57711 of 2023. The petitioners are man of clean antecedents.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, clean antecedents of the petitioners and the fact that similarly situated co-accused persons have been privileged with anticipatory bail, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, 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 the learned CJM Purnia, in connection with K Nagar (Sri Nagar) PS Case No. 493 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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