

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61653 of 2023

Arising Out of PS. Case No.-16 Year-2023 Thana- SHRI NAGAR District- Madhepura

1. MD GULZAR S/O MD SAFID R/O VILLAGE- LAXMIPUR,
BHAGWATI, PS. SRINAGAR, DIST. MADHEPURA
2. MOHAMMAD S/O MD. BASHIR R/O VILLAGE- LAXMIPUR,
BHAGWATI, PS. SRINAGAR, DIST. MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha, Adv. Ms.Rabia Gulnaz, Adv.
For the Opposite Party/s	:	Mr.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 1. Heard the learned counsel for the
petitioners and learned APP for the State.

2. This is an application for grant of anticipatory bail in connection with Srinagar P.S. Case No.16 of 2023, registered for offences under Sections 147, 148, 149, 341, 342, 323, 307, 332, 333, 353, 448 and 504 of the Indian Penal Code and 25(1-B)a and 26 of the Arms Act.

3. The case of the prosecution in brief, according to the informant is that on 12.02.2023 at about 22:30 hours, the personnel deputed at Dial



112 Centre at Kumarkhand, informed that some untoward incident had taken place at Village-Laxmipur Bhagwati, whereafter the informant along with his police force had gone to the Village-Laxmipur Bhagwati and while the police was inquiring from the person who had made complaint on Dial 112, some people had gathered around the police vehicle, whereafter they had snatched the key of the Government vehicle and had made some of the police personnel captive. It is also alleged that the police force had been re-enforced and it was found that several villagers had accumulated at the place of occurrence and had surrounded one police personnel, as also had engaged in assaulting and abusing him. Upon enquiry it transpired that the key of the police vehicle had been taken by one Md. Hasib and upon him being pressurized, he had handed over the key to the informant, whereupon the said Md. Hasib was taken into custody, who upon interrogation disclosed that the F.I.R. named accused persons and 50-60 other persons had indulged in the



aforesaid incident. It is next alleged that thereafter the police force had gone to the house of one Md. Alam, where they found that two co-villagers, namely, Md. Tabrej and Md. Siraj had been tied with a pole and had also been beaten badly and upon enquiry, it transpired that the said two miscreants had entered the house of one Md. Alam, engaged in abusing and beating the family members, had broken the household items, as well as engaged in misbehaving with the female members. Thereafter, the police had tried to catch the miscreants but they had managed to flee away, however, the said two injured persons were taken for treatment, under police protection.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that as far as the petitioners are concerned, a general and omnibus allegation has been levelled and the main accused, as far as snatching the key of the



police vehicle in question is Md. Hasib. It is also submitted that the petitioners have also not been alleged to have assaulted the aforesaid, Md. Tabrej and Md. Siraj, rather it is submitted that it has been alleged that the petitioners are the members of mob, thus benefit of doubt can be granted to the petitioners for the purposes of grant of anticipatory bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners and they have neither been alleged to have snatched the key of the police vehicle nor have been alleged to have assaulted the aforesaid, Md. Tabrej and Md. Siraj, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of



anticipatory bail.

7. Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Madhepura in connection with Srinagar P.S. Case No.16 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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