

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64124 of 2023

Arising Out of PS. Case No.-184 Year-2023 Thana- KUTUMBA District- Aurangabad

1. MINHAZ ALAM @ MD. MINHAZ HUSSAIN SON OF ALLAUDDIN ANSARI RESIDENT OF VILLAGE - SARDA SARDI, P.S. - KUTUMBA, DISTRICT - AURANGABAD
2. KAUSHAR ANSARI @ MD. KAISHAR ANSARI SON OF ALLAUDDIN ANSARI RESIDENT OF VILLAGE - SARDA SARDI, P.S. - KUTUMBA, DISTRICT - AURANGABAD
3. MD. SHAHID ANSARI @ MOHAMMAD SHAHID ANSARI SON OF MD. @ MUHAMMAD SHAMIM ANSARI RESIDENT OF VILLAGE - SARDA SARDI, P.S. - KUTUMBA, DISTRICT - AURANGABAD
4. NAYEEM ANSARI @ MD. NAIMUDDIN ANSARI SON OF TAJ MD. ANSARI @ MD. TAJ ANSARI RESIDENT OF VILLAGE - SARDA SARDI, P.S. - KUTUMBA, DISTRICT - AURANGABAD
5. FAIYYAZ ALAM @ MD. FYYAZ ALAM SON OF REYAJJUDDIN ANSARI @ MD. REYAJJUDDIN ANSARI RESIDENT OF VILLAGE - SARDA SARDI, P.S. - KUTUMBA, DISTRICT - AURANGABAD
6. AASHIK ANSARI @ MD. AASIF REZA SON OF MOHIUDDIN ANSARI @ MD. MOHINDDIN ANSARI RESIDENT OF VILLAGE - SARDA SARDI, P.S. - KUTUMBA, DISTRICT - AURANGABAD
7. RAJU ANSARI @ MD. RUSTAM ALI SON OF ENAMUL HAQUE RESIDENT OF VILLAGE - SARDA SARDI, P.S. - KUTUMBA, DISTRICT - AURANGABAD
8. SHAMSHAD ANSARI @ NANKU ANSARI SON OF RAHAT ANSARI @ MD. RAHAT HUSSAIN RESIDENT OF VILLAGE - SARDA SARDI, P.S. - KUTUMBA, DISTRICT - AURANGABAD
9. JUBAIR ANSARI SON OF ISRAIL ANSARI RESIDENT OF VILLAGE - SARDA SARDI, P.S. - KUTUMBA, DISTRICT - AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate.
For the Opposite Party/s: Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor appearing for the State.



2. Petitioners apprehend their arrest in connection with Kutumba P.S. Case No. 184 of 2023 dated 30.7.2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 337, 338, 295-C, 354, 153-A, 427, 120-B, 307, 504 and 506 of the Indian Penal Code.

3. As per the First Information Report, the members of two communities assembled in the procession (*Pahlam of Tazia*), on the occasion of Muharram festival, formed an unlawful assembly and disturbed the peace and tranquility of the society, pelted stones upon the Police Officials and prevented them from discharging their public duties. The action of the petitioners led to communal tension.

4. Learned counsel for the petitioners submits that altogether 24 named accused along with 100-150 unknown persons have been made accused from the side of the petitioners and from other sides, seven named accused and 16 unknown persons are there. Some of the accused persons from both sides were arrested as would be evident from the First Information Report. The allegation against the petitioners are general and omnibus in nature. Learned counsel further submits that similarly situated co-accused persons from other side have been granted anticipatory bail by a co-ordinate Bench of this Court in



Cr. Misc. 62704 of 2023. The petitioners are having no criminal antecedent.

5. Regards being had to the submission made by the parties and taking into consideration the fact that similarly situated co-accused persons from other side have been granted anticipatory bail by a co-ordinate Bench of this Court, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, in the event of arrest or surrender before the learned court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Kutumba P.S. Case No. 184 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

S.Ali/-

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

