

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64677 of 2023

Arising Out of PS. Case No.-100 Year-2019 Thana- AKBARNAGAR District- Bhagalpur

Md. Mehtab Alam Son Of Md. Maqbool R/O Vill - Simraha, P.S. -
Akbar Nagar, Distt. - Bhagalpur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Mr. Md. Najmul Hodda, learned counsel

appearing on behalf of the petitioner and Mr. Harendra Prasad,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Akbar Nagar P.S. Case No.100 of 2019 dated 10.09.2019
registered for the offence punishable under Sections 147, 148,
149, 341, 342, 188, 337, 153A, 353, 323, 307 of the Indian
Penal Code.

3. As per the allegation made in the FIR, the petitioner
along with other co-accused persons, formed unlawful assembly
and obstructed NH-80 on 10.09.2019, during the occasion of
Muharram. And during the *Muharram* procession, due to stone
pelting law and order got disrupted, as a result of which, one
constable namely Ajay Kumar got injured.

4. Learned counsel appearing on behalf of the

petitioner submits that general and omnibus allegation has been made against the petitioner. Petitioner was not involved in the alleged unlawful assembly held during the occasion of *Muharram*. Petitioner has not assaulted the police force. Petitioner has no criminal antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, are directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- Ist, Bhagalpur in connection with Akbarnagar P.S. Case No.100 of 2019 dated 10.09.2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

Ashishsingh/-

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