

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69951 of 2023

Arising Out of PS. Case No.-704 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

BADE KHAN @ SADIK KHAN S/O MD. NEHAL KHAN RESIDENT OF
MOHALLA- BHABUA WARD NO. 22, PS. BHABUA, DIST. KAIMUR AT
BHABUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Bhabua P.S. Case No. 704 of 2023 dated 29.7.2023 registered for the offence punishable under Sections 147, 148, 149, 160, 323, 324, 307, 337, 353, 153-A, 153, 295, 295-A, 109 and 504 of the Indian Penal Code.

3. As per prosecution case, the petitioner and a large number of co-accused persons indulged in arsening, pelting of stones and they damaged temples, Motor vehicles and shops, while they had been taking out of *Tazia* procession.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case due to local politics. After the petitioner came to know about the case, he surrendered before the learned court below and he is in custody since 31.7.2023. Further submission is that there is no specific allegation against the petitioner who was not even present at the spot. Learned trial court rejected the prayer for bail of the petitioner on account of none revelation of criminal antecedent of the petitioner before it but the same was not deliberate. The petitioner was made accused in four cases in one of which he has been acquitted whereas in other three cases he is on bail.

5. Learned APP opposes the prayer for bail submitting that the petitioner was involved in causing communal disturbance and he was member of a mob. The charge sheet has been submitted.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties, considering the submission of charge sheet against the petitioner and period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.20,000/-



(twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Bhabua P.S. Case No. 704 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditons:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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