

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70295 of 2023

Arising Out of PS. Case No.-541 Year-2023 Thana- BIHAR District- Nalanda

1. MD. HARISH SON OF MA. SAJJAD @ SAJJAD AKHTAR RESIDENT OF VILLAGE - BANOULIYA, P.S. - BIHAR, DISTRICT - NALANDA
2. JOBA KURAISHI @ MD. SIKANDAR SON OF FARUQUE KURAISHI RESIDENT OF VILLAGE - BANOULIYA, P.S. - BIHAR, DISTRICT - NALANDA
3. AARO @ MD. DILSHAD SON OF MOHAMMAD JAMAL RESIDENT OF VILLAGE - BANOULIYA, P.S. - BIHAR, DISTRICT - NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-11-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Bihar P.S. Case No. 541 of 2023 registered for the offences punishable under Sections 147, 148, 149, 307, 332, 333, 353, 427, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, there was altercation between the two parties and in the meanwhile the police party reached to pacify the matter. It is further alleged that petitioner and other participated in pelting stone on police and made obstruction in discharging their official duties.



4. Learned counsel for the petitioners submits that there is no specific allegation against the petitioners and they have nothing to do with the alleged occurrence. Petitioners are merely a passer-by. He further submits that petitioners have falsely been implicated in the present case as they are resident of the same locality where occurrence took place. In the light of the said facts and circumstances, no case is made out against the petitioners. Moreover, co-accused Dipak Kumar, Nitish Kumar and Sonu Kumar have been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 62875 of 2023 and on the principle of parity, present petitioners are also entitled for the same treatment. He further submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, co-accused persons have already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners



above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail 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 C.J.M., Nalanda at Biharsharif in connection with Bihar P.S. Case No. 541 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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