

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75643 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- BUNIYAD GANJ District- Gaya

1. Md. Aman Raza @ Md. Amaan Son Of Md. Moyeen R/O Village- Alipur, P.S.- Buniyadganj, Dist.- Gaya
2. Md. Shamim Rizwi Son Of Md. Nayeem Uddin Alam R/O Village- Alipur, P.S.- Buniyadganj, Dist.- Gaya
3. Md. Chotu @ Md. Zubair Son Of Md. Moyeen Khan R/O Village- Alipur, P.S.- Buniyadganj, Dist.- Gaya
4. Md. Shahrukh @ Md. Shahbaz Son Of Md. Nayeemuddin R/O Village- Alipur, P.S.- Buniyadganj, Dist.- Gaya
5. Md. Arshad Alam Son Of Md. Aslam R/O Village- Alipur, P.S.- Buniyadganj, Dist.- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Soni Kumari, Adv.

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-12-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Buniyadganj P.S. Case No. 109 of 2023 dated 28.03.2023 registered for the offences punishable u/ss 147, 148, 149, 153A, 323, 325, 307, 337, 427 and 504 of the Indian Penal Code.

3. As per the prosecution case, on secret information, there was conflict between groups of two communities near



Alipur Bazar then the informant reached the place of occurrence and saw that the people from both communities were holding sticks and bricks and were shouting slogans. The informant gave order to stop shouting but both the parties disobeyed the order of the informant. Thereafter, they started hitting each other then extra police force reached there then the situation came under control.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The name of the petitioners was disclosed by local *chowkidar*. There is no specific allegation against the petitioners. Learned counsel has further submitted that the petitioners have no concern with the alleged offence hence, no case is made out against the petitioners. The petitioner no. 1, 2, 4 and 5 have one criminal antecedent whereas the petitioner no. 3 has two criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be



enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Gaya in connection with Buniyadganj P.S. Case No. 109 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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