

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71115 of 2022

Arising Out of PS. Case No.-223 Year-2019 Thana- BHARGAMA District- Araria

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1. MD. SAWOOD S/o Md. Basroo R/v- Chharrapatti, P.S.- Bhargama, District- Araria
 2. JULLA S/o Iliyas R/v- Chharrapatti, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2023 Heard Mr. Anil Prasad Singh, learned counsel for the

petitioners and Ram Bilash Roy Raman learned Additional

Public Prosecutor appearing for the State.

Petitioners apprehend their arrest in connection with
Bhargama P.S. Case No. 223 of 2019 dated 12.9.2019 registered
for the offence punishable under Sections 147, 148, 149, 188,
186, 332, 333, 341, 323, 324, 353, 307, 504 of the Indian Penal
Code read with Sections 3/9 of the Bihar Control of Use and
Pay of loud speaker and Section 184/177(A) of the M.V. Act.

As per the First Information Report lodged by the
Circle Inspector Bhargama Circle against 35 named accused
persons and 500 unknown persons alleging that on 11.9.2019
during course of *Muharram* procession, two groups of the



procession started fighting amongst themselves in which the accused persons also disturbed the Police personnel in discharging their duties.

Learned counsel for the petitioners submits that the petitioners have no previous criminal antecedents and for the same occurrence two F.I.R.s were lodged, one by Circle Officer and another by Officer In charge, and except that, no other criminal antecedents is there against the petitioners. Learned counsel further submits that the petitioner No. 1 is 70 years old whereas the petitioner No. 2 is 57 years old and they have falsely been implicated in this case along with other 500 persons having general and omnibus allegation. He next submits that similarly situated co-accused persons have been granted anticipatory bail by co-ordinate Benches of this Court in Cr. Misc. 36791 of 2022, 15652 of 2021 and 50220 of 2022 respectively.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that allegations against the petitioners are general and omnibus in nature and similarly situated co-accused persons have been granted anticipatory bail by co-ordinate Benches of this Court, I am inclined to grant anticipatory bail to the



petitioners.

Accordingly, in the event of arrest or surrender before the 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 Shri Kumud Rsanjan, learned Judicial Magistrate, 1st Class, Araria, in connection with Bhargama P.S. Case No. 223 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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