

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74705 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- SIGAUDI District- Patna

Azhar @ Md. Azharuddin Alam, Son of Md. Akbar Ansari, R/V- Sigori, P.S-
Sigori, dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Sigori P.S. Case No. 51 of 2021 registered for the alleged offences under Sections 147, 149, 151, 152, 186, 188, 323, 333, 337, 338, 379, 427, 436, 353, 307 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and other co-accused persons forming a mob, attacked the police party and caused a number of injuries to the police personnel. A number of vehicles were damaged by this mob. Petitioner was identified on the basis of CCTV footage.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. 51 persons have been named along with 100 unknown persons in the FIR but it has not been made clear that how the police came to know about the details of the petitioner. The petitioner was not present at the spot at the time of occurrence and did not participate in the arson. None of the police personnel received any injury. Learned counsel further submits that the petitioner is a shopkeeper and runs a grocery store. There is no specific allegation against this petitioner for any overt act. A number of co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 31.08.2022 passed in Cr. Misc. No. 32873 of 2022, order dated 12.10.2022 passed in Cr. Misc. No. 25251 of 2022 and order dated 01.12.2022 passed in Cr. Misc. No. 38444 of 2022.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioner was part of an unlawful assembly and attacked the police party and damaged a number of vehicles.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the grant of anticipatory bail to other co-accused persons and also considering the absence of any overt act attributed to this petitioner, let the petitioner, above named, in the event of his



arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Danapur, Patna in connection with Sigori P.S. Case No. 51 of 2021, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (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 the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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