

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75808 of 2023

Arising Out of PS. Case No.-325 Year-2023 Thana- BARACHATTI District- Gaya

1. MD. NESHAT ALI KHAN @ NESHAT ALI KHAN @ NISHAD KHAN
Son of Md. Azad Ali Khan @ Sachchu Khan R/o vill - Karma Karimganj,
Bhadeya, P.s. - Barachatti, Distt. - Gaya
2. Shamim Khan @ Babal Khan Son of Samid Khan @ Salim Khan R/o vill -
Karma Karimganj, Bhadeya, P.s. - Barachatti, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Md. Javed Jafar Khan, learned counsel

for the petitioners and Mr. Jagdhar Prasad, learned APP for the

State.

2. The petitioners are apprehending their arrest
connection with Barachatti P.S. Case No. 325 of 2023, F.I.R.
dated 01.04.2023 registered for the offences punishable under
Sections 147, 148, 149, 323, 341, 342, 353, 153A, 295, 298,
307, 504, 506 of the Indian Penal Code.

3. As per F.I.R. allegation against the petitioners is
that petitioners along with other accused persons armed with
lathi-Danda, iron rod attacked and assaulted people who were in
the procession on the occasion of Ram Navmi and they also



raised communal slogan against religions of each other. Informant who was appointed as Magisterial duty on occasion of Ram Navmi tried to controkl the communal violence at the place of occurrence but petitioners along with other created obstacle in maintaining peace and push over the police personnel. Several persons got injuries of both communities in the procession due to mischievous activities of the petitioners and others.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation on the basis of the video footage. He further submits that there is no accusation of any assault or overt act attributed against the petitioners and the co-accused persons namely Krishna Prasad, Gulsan Kumar and Dr. Shadab Khan @ Shadab Akbar Khan Warsi have been granted the privilege of anticipatory bail vide order dated 25.07.2023 by the learned Court below itself.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the



case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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 A.C.J.M. II, Sherghati, Gaya in connection with Barachatti P.S. Case No. 325 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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