

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6056 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- KAMTAUL District- Darbhanga

1. Abdul Basit Son of Md. Motiur Rahman Village -Malpatti, P.S.- Kamtaul, District -Darbhanga
2. Mohammad Atif @ Atique Son of Abdul Basit Village -Malpatti, P.S.- Kamtaul, District -Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7416 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- KAMTAUL District- Darbhanga

1. Laxman Paswan @ Lachan Paswan S/O Late Shrikant Paswan R/O Village- Dharampur, P.S- Kamtaul, Distt.- Darbhanga.
2. Feku Paswan @ Ajay Kumar Paswan S/O Late Shrikant Paswan R/O Village- Dharampur, P.S- Kamtaul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar The Advocate General of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 6056 of 2024)

For the Petitioner/s : Mr. Md Kamran, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

(In CRIMINAL MISCELLANEOUS No. 7416 of 2024)

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-02-2024

(Cr. Misc. No. 6056 of 2024)

1. Heard learned counsel appearing on behalf of the



petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. It is submitted by learned counsel appearing for the petitioners that during pendency of this case, petitioner no. 1, namely, Abdul Basit has already been arrested, as such present application for grant of anticipatory bail of petitioner no. 1. has become infructuous.

3. Accordingly, prayer *qua* petitioner no. 1 stands dismissed as withdrawn, having become infructuous.

4. Now, this petition survives only for petitioner no. 2, namely, Md. Atif.

5. The accused/petitioner no. 2 is named in F.I.R. and apprehending his arrest in connection with Kamtaul P.S. Case No. 164 of 2023, registered for the offences punishable under Sections 147/148/149/152/341/342/323/186/324/307/353/332/333/ 297/295(A)/120(B) of the Indian Penal Code.

6. The allegation against above named petitioner is to disturb the communal harmony alongwith several co-accused persons alongwith 30 named co-accused persons and 200-250 unknown persons, where issue arises out of disputed graveyard area claiming by both community during the course of occurrence. Petitioner was also alleged to pelt stones on police



vehicles, causing damage of public property and government vehicle and as such deter to public servants/police officials to discharge their official functions.

7. Learned counsel appearing on behalf of the petitioner submitted that there is no specific allegation available against petitioner, rather same is appearing very much general and omnibus, where implication appears only being part of mob only. It is further submitted that name of petitioner was involved in present case on the basis of hearsay input provided by local Chaukidar and as such the entire information, which is the basis of present case is based upon hearsay input. While concluding the argument, it is submitted that petitioner no. 2 is a man of clean antecedent.

8. Learned APP opposes the prayer of bail.

9. Considering the aforesaid facts and circumstances as allegation against petitioner is very much general and omnibus in nature where he appears only the part of mob, coupled with the fact above named petitioner is a man of clean antecedent, accordingly, above named petitioner no. 2, in the event of his arrest or surrender before the Court below, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga/concerned Court, where the case is pending in connection with Kamtaul P.S. Case No. 164 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Cr. Misc. No. 7416 of 2024)

10. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

11. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Kamtaul P.S. Case No. 164 of 2023, registered for the offences punishable under Sections 147/148/149/152/341/342/323/186/324/307/353/332/333/ 297/295(A)/120(B) of the Indian Penal Code.

12. The allegation against above named petitioners is to disturb the communal harmony alongwith several co-accused persons alongwith 30 named co-accused persons and 200-250 unknown persons, where issue arises out of disputed graveyard area claiming by both community during the course of occurrence. Petitioners were also alleged to pelt stones on police vehicles, causing damage of public property and government vehicle and as such deter to public servants/police officials to



discharge their official functions.

13. Learned counsel appearing on behalf of the petitioners submitted that there is no specific allegation available against petitioners, rather same is appearing very much general and omnibus, where implication appears only being part of mob only. It is further submitted that name of petitioners were involved in present case on the basis of hearsay input provided by local Chaukidar and as such the entire information, which is the basis of present case is based upon hearsay input. While concluding the argument, it is submitted that both petitioners are men of clean antecedent.

14. Learned APP opposes the prayer of bail.

15. Considering the aforesaid facts and circumstances as allegation against petitioners is very much general and omnibus in nature where they appears only the part of mob, coupled with the fact both above named petitioners are men of clean antecedent, accordingly, both above named petitioners, in the event of their arrest or surrender before the Court below, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class,



Darbhanga/concerned Court, where the case is pending in connection with Kamtaul P.S. Case No. 164 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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