

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21918 of 2024

Arising Out of PS. Case No.-301 Year-2023 Thana- BALIYA District- Begusarai

1. Md. Saddam @ Saddam Husain son of Md. Khurshid Mohalla- Chhoti Balia, Mirshikar Tola Ps- Balia Dist- Begusarai
2. Md. Soljar son of Md. Khurshid Mohalla- Chhoti Balia, Mirshikar Tola Ps- Balia Dist- Begusarai
3. Md. Azhar @ Md. Mazhar son of Md. Taiyab @ Md. Tayab Mohalla- Chhoti Balia, Mirshikar Tola Ps- Balia Dist- Begusarai
4. Md. Nehal son of Md. Shahadat @ Md. Shahid Mohalla- Chhoti Balia, Mirshikar Tola Ps- Balia Dist- Begusarai
5. Md. Shahanshah son of Md. Shahadat @ Md. Shahid Mohalla- Chhoti Balia, Mirshikar Tola Ps- Balia Dist- Begusarai
6. Md. Alam son of Md. Anwar Mohalla- Chhoti Balia, Mirshikar Tola Ps- Balia Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate
For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-03-2024 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are not named in the F.I.R. and apprehended their arrest in connection with Ballia P.S. Case No. 301/2023 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 343, 325, 337, 338, 307, 435, 436, 353, 427, 153A, 295A, 505B, 505C, 120(B)



and 379 of the Indian Penal Code & Section 9 of Loudspeaker Act.

3. The allegation against the petitioners is to disturb the law and order situation during the eve of Durga Puja immersion.

4. Learned counsel appearing on behalf of the petitioners submitted that during immersion of Goddess Durga idol, the petitioners gave a sign for destroying the flag of other community on which one person tore the flag of other community which led to tense the situation but on the intervention of the district level authorities, the matter was pacified. The learned counsel submits that the petitioners have been falsely implicated in the present case. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation is general and omnibus in nature. It is further submitted that the petitioners will not abscond rather will co-operate in investigation. It is also submitted that similarly situated co-accused persons have already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 6150 of 2024 vide order dated 17.02.2024.

5. Learned APP appearing on behalf of the State,



opposes the prayer for bail.

6. In view of aforesaid facts and circumstances and also by taking note of fact as there is no overt act attributed against petitioners, rather they appear only part of mob, accordingly all the petitioners above named, in the event of their arrest or surrender before the learned Court within a period of four weeks, 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 Chief Judicial Magistrate, Begusarai/concerned Court below where the case is pending in connection with Ballia P.S. Case No. 301/2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

