

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24736 of 2024

Arising Out of PS. Case No.-87 Year-2023 Thana- DUMARIYA District- Gaya

1. TABISH ANWAR @ TABISH @ TABISH ALI SON OF RASHID HUSAIN @ RASHID ALI @ SAHID ALI RESIDENT OF VILLAGE - SALAIYA, P.S. - DUMARIA, DISTRICT - GAYA (BIHAR)
2. DANISH ANWAR @ DANISH ALI SON OF RASHID HUSAIN @ RASHID ALI @ SAHID ALI RESIDENT OF VILLAGE - SALAIYA, P.S. - DUMARIA, DISTRICT - GAYA (BIHAR)
3. RASHID HUSAIN @ RASHID ALI @ SAHID ALI SON OF KABIRUDDIN ALI @ KABIR ALI RESIDENT OF VILLAGE - SALAIYA, P.S. - DUMARIA, DISTRICT - GAYA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Nikhil, Advocate.
For the State	:	Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-04-2024 Heard Ld. counsel for the Petitioners and Ld. APP for the State.

2. The Petitioners apprehend their arrest, in connection with Dumariya P.S. Case No. 87 of 2023, dated 31.07.2023, registered for the offences punishable under Sections 147, 149, 323, 153(A), 332, 427, 333, 295(A), 353, 504 and 506 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that the Petitioners took Law in their hands and also obstructed the Police party from discharging their official duty.



4. Ld. counsel for the Petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the allegation against the Petitioners is false and fabricated and they have not committed any offence as alleged in the FIR. He also submits that similarly situated co-accused Rahul Kumar, Sanjay Soni, Gautam Kumar, Shekhu, Sonu Kumar, Dharmendra Kumar @ Kailu, Sagir Ahmad, Rustam Ali, Shahrukh Ali and Raunak Ali have got anticipatory bail *vide* order dated 10.01.2024, 22.2.2024 and 17.2.2024 passed in Criminal Miscellaneous Nos. 81021 of 2023, 10451 of 2024 and 6430 of 2024 respectively by this Court as well as by co-ordinate Benches of this Court.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for anticipatory bail.

7. Considering the aforesaid facts and circumstances, this application is allowed, directing the Petitioners, above-named, to be enlarged on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on



their furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate Ist Class, Sherghati at Gaya, in connection Dumariya P.S. Case No. 87 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the Petitioners have given wrong statement regarding his criminal antecedents, Ld. court below shall cancel the bail bond of the Petitioners after hearing them and getting satisfied that the Petitioners have concealed their criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the Petitioners.

(Jitendra Kumar, J)

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