

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40664 of 2024

Arising Out of PS. Case No.-275 Year-2023 Thana- MEHSI District- East Champaran

1. Md. Raza @ Md. Altabh Reza @ Md. Altaf Raza Son of Md. Islam @ Chakabdul Ganni, Resident of village- Purani Mehshi, Police Station- Mehshi, District- East Champaran.
2. Bhola @ Bhola Mian Son of Saukat Mian, Resident of village- Mirzapur, Police Station- Mehshi, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shrinath Manjhi, Advocate
For the Opposite Party/s : Mr. Arvind Kumar Pandey(App.84)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr. Shrinath Manjhi, the learned counsel for the petitioners and Mr. Arvind Kumar Pandey, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mehshi PS Case No. 275 of 2023, FIR dated 22.08.2023, registered for the offences punishable under Sections 147, 148, 149, 188, 341, 153-A, 295-A, 323, 307, 332, 353, 427, 504 and 506 of the Indian Penal Code.

3. According to the prosecution case, while the informant along with police personnel was on duty, a Mahabiri Jhanda procession was crossing, meanwhile, some unsocial elements started pelting stones, however, the police pacified the



matter. It is further alleged that another place two communities clashed with each other and the informant through videography named twenty-five persons.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and petitioners are not named in the FIR. He further submits that name of the petitioners transpired during investigation and supervisory report and bare perusal of the aforesaid, it appears that there is no specific allegation against these petitioners and co-accused persons namely, Rajesh Sahani @ Rajesh Ram has been granted bail the privilege of anticipatory bail by this Court vide order dated 22.02.2024, passed in Cr. Misc. No. 12314 of 2024 and another co-accused person namely, Sushant Raj @ Sushant Kumar has also been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 12.03.2024, passed in Cr. Misc. No. 13139 of 2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, they



are not named in the FIR and other co-accused persons have been granted the privilege of anticipatory bail, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Motihari, East Champaran, where the case is pending in connection with **Mehsi PS Case No. 275 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

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

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

(iii). And further condition that the learned trial



Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court 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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