

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52743 of 2024

Arising Out of PS. Case No.-574 Year-2019 Thana- GAYA KOTWALI District- Gaya

1. Md. Taslim SON OF MD. JAHANGIR ALAM @ MANO @ MONU Mohalla -Maroofgunj PS -Civil Lines Dist -Gaya
2. MD. SUDDU @ MD. TANZEEM SON OF MD. JAHANGIR ALAM @ MONU Mohalla -Maroofgunj PS -Civil Lines Dist -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 332, 427, 435, 436, 353, 290, 283, 188, 379 and 120(B) of the Indian Penal Code read with Sections 3 and 4 of the Prevention of Damage to Public Property Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of two cases and petitioner no. 2 has antecedent of three cases.

4. Learned counsel for the petitioners submits that the allegation in the FIR is that the petitioners along with 5000



persons had created ruckus in the name of protest against an incident which had happened in Jamia Millia Islamia University in Delhi and they also damaged public property.

5. The learned counsel for the petitioners next submits that the allegations against the petitioners are general and omnibus in nature i.e. no specific allegation is alleged against them. It is next submitted that petitioners are associated with different Muslim Organizations and as such whenever the need arises, protest march are taken out, but in a peaceful manner. It is also submitted that similarly situated co-accused have been granted the privilege of anticipatory and regular bail by order dated 23.03.2021 in Criminal Miscellaneous No. 35842 of 2020 (Satish Kumar and Ors. Vs. The State of Bihar) and by order dated 02.06.2020 in Criminal Miscellaneous No. 18420 of 2020 (Md. Nasruddin Vs. The State of Bihar), further Md. Manzar Hussain has also been granted the privilege of anticipatory bail by order dated 18.10.2022 in Criminal Miscellaneous No. 19808 of 2022.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that the persons who have been granted the privilege of anticipatory and regular bail, had approached this Court in 2022 and the petitioners



herein are approaching in the year 2024 and thus it may be a possibility that process under Section 82 Cr.P.C. might have been issued against the petitioners, on which the learned counsel appearing on behalf of the petitioners submits that process under Section 82 Cr.P.C. has not been issued.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kotwali P.S. Case No. 574 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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