

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51451 of 2024

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

Md. Asif Khan @ Asif @ Asif Khan Son Of Md. Jakaulah Khan @ J.K.
Resident Of Village - Mogalpura Chak, P.S. - Mehshi, District - East
Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the State : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2024 Heard Mr. Ajay Kumar Singh, learned counsel for
the petitioner and Mr. Ashok Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mehshi P.S. Case No. 275 of 2023, F.I.R. dated 22.08.2023 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 prosecution case, petitioner along with 250-300 unknown persons participated to disturb the law and order situation in the area by pelting bricks and stones during course of procession of Mahaviri Jhanda.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per the



allegation in the FIR, the petitioner and 250-300 unknown persons participated to disturb the law and order situation in the area. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act is attributed against the petitioner at best the petitioner may be a member of the mob. He further submits that the co-accused persons, namely, Rajesh Sahani @ Rajesh Ram has already been granted anticipatory bail by this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 12314 of 2024 and co-accused person namely, Sushant Raj @ Sushant Kumar has already been granted 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. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent, there is no specific allegation of any assault or overt act or participation in the crime in question and other co-accused persons have already been granted bail by this Court and by the Co-ordinate Bench of this Court, let the petitioner, above named, in the event of arrest or surrender



before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Mehsi P.S. Case No. 275 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

ii. If the petitioner tampers 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 court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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