

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53740 of 2024

Arising Out of PS. Case No.-423 Year-2023 Thana- BHAGWAN BAZAR District- Saran

1. Md. Sarfuddin @ Sarfuddin Kha @ Raju Kha, Son Of Salaam @ Salaam Kha, R/V- Mohalla- Nai Bazar, P.S.- Bhagwan Bazar, Distt.- Saran
2. Samruddin Kha @ Prince Khan, Son Of Kalamuddin Khan @ Bachcha Khan, R/V- Mohalla- Nai Bazar, P.S.- Bhagwan Bazar, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Srivastva, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners apprehend their arrest in connection with Bhagwan Bazar P.S. Case No. 423 of 2023 registered for the offences punishable under Sections 147, 148, 149, 188, 290, 153(A), 295, 295(A), 296, 337, 338, 307, 332, 333, 353, 427 and 120(B) of the Indian Penal Code and Section 9 of the Bihar Control of Use and Play of Loudspeaker Act.

3. As per the prosecution case, during the possession of Goddess Durga immersion when the procession reached near Masjid it was stopped and music and chanting slogan were done. It is further alleged that some unsocial elements started



throwing stones on the procession just when the procession started moving ahead.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in this case. They have been made accused only on the basis of suspicion and due to village politics. There is general and omnibus allegation against the petitioners. Petitioners have no criminal antecedent and they undertake to co-operate in the investigation and trial. It is further submitted that similarly situated co-accused namely, Sanjay Kumar has already been granted anticipatory bail by this Court vide order dated 22.05.2024 passed in Cr. Misc. No. 32926 of 2024.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 423 of



2023, subject to the conditions laid down in Section 438(2) of
the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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