

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54292 of 2024

Arising Out of PS. Case No.-141 Year-2023 Thana- NIMCHAKBATHANI District- Gaya

1. Tahir Ansari @ Sahir Ansari Son of Munna Ansari @ Md. Firoz Ansari R/O Vill.- May, P.s.- Neemchak Bathani, Dist.- Gaya.
2. Sukhu Mian @ Ashif Alam Son of Ganauri Mian R/O Vill.- May, P.s.- Neemchak Bathani, Dist.- Gaya.
3. Ganauri Mian @ Ibrar Hassain @ Ibrar Mian Son of Manzer Hassan R/O Vill.- May, P.s.- Neemchak Bathani, Dist.- Gaya.
4. Natho Mian @ Md. Zubair Hassan Son of Manzur Hassan R/O Vill.- May, P.s.- Neemchak Bathani, Dist.- Gaya.
5. Arwaz Khan Son of Taj Khan R/O Vill.- May, P.s.- Neemchak Bathani, Dist.- Gaya.
6. Taiyab Khan Son of Mokhtar Khan R/O Vill.- May, P.s.- Neemchak Bathani, Dist.- Gaya.
7. Shamsheer Alam @ Shamsheer Alam Son of Safique Alam R/O Vill.- May, P.s.- Neemchak Bathani, Dist.- Gaya.
8. Saddam Khan @ Tausik Ahmad Son of Sami Khan R/O Vill.- May, P.s.- Neemchak Bathani, Dist.- Gaya.
9. Sonu Khan @ Mahtabul Jama Son of Kamru Jama R/O Vill.- May, P.s.- Neemchak Bathani, Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-11-2024 Heard Mr. Praveen Kumar, learned counsel

 appearing on behalf of the petitioners and Mr. Satyendra

 Narayan Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection

with Neemchak Bathani P.S. Case No. 141 of 2023 registered



for the offence(s) punishable under Sections 147, 148, 149, 323, 341, 504, 506, 337, 338, 324, 307 of the Indian Penal Code.

3. As per the allegation made in the FIR, two communities went on ruckus, while a *julus* was carried by one community.

4. Learned counsel appearing on behalf of the petitioners submitted that allegation levelled against the petitioners is general and omnibus. However, two communities were carried by their religious belief, which led to affray causing injury to each other. In absence of any specific allegation against the petitioners and the allegation being general and omnibus, the petitioners deserve to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail of the petitioners and submitted that petitioners no.1, 5 and 6 have three criminal antecedents, whereas petitioner no. 4 has two criminal antecedents and petitioners no.2, 3, 7, 8 and 9 have one criminal antecedent and as such, they don't deserve to be released on pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties and also considering the fact that petitioner



nos.1, 5 and 6 have three criminal antecedents and that too of serious nature, **I am not inclined to enlarge the petitioners no.1, 5 and 6 on pre-arrest bail.** However, they may surrender before the learned District Court for regular bail and the learned District Court is directed to hear the regular bail application of the petitioners no.1, 5 and 6 and pass a necessary order on the same day.

7. So far as, the petitioner nos.2, 3, 4, 7, 8 and 9 are concerned, considering the nature of allegation against them to be general and omnibus, they are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-Ist Class, Gaya in connection with Neemchak Bathani P.S. Case No. 141 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner nos.2, 3, 4, 7, 8 and 9, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner nos.2, 3, 4, 7, 8 and 9, as what has been stated in paragraph no. 3, this order



will lose its force automatically.

9. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J.)

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