

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73544 of 2024

Arising Out of PS. Case No.-250 Year-2024 Thana- ADAPUR District- East Champaran

1. Abubakar @ Abu Bakra Siddaki Son of Fakare Alam @ Fakhre Alam Resident of Village- Latiyahi, P.S.- Aadapur, District- East Champaran
2. Lukman Son of Late Sheikh Sakur Resident of Village- Latiyahi, P.S.- Aadapur, District- East Champaran
3. Sabir Hussain Son of Late Sheikh Ayub Resident of Village- Latiyahi, P.S.- Aadapur, District- East Champaran
4. Md. Aarif Son of Late Sheikh Akalu Resident of Village- Latiyahi, P.S.- Aadapur, District- East Champaran
5. Safatullah Son of Sheikh Kaishar Alam Resident of Village- Latiyahi, P.S.- Aadapur, District- East Champaran
6. Haidaitullah Son of Late Sheikh Makbul Resident of Village- Latiyahi, P.S.- Aadapur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 18-12-2024 Heard learned counsel for the petitioners, learned
APP for the State and perused the case diary.

2. The petitioners seek bail in connection with Adapur P.S. Case No. 250 of 2024, instituted for the offences punishable under Sections 191(2), 190, 115(2), 121(1), 121(2), 132, 196, 125(a), 125(b), 351, 111 and 299 of the Bharatiya Nyaya Sanhita, 2023.



3. The prosecution case, in short, is that, petitioners are alleged to have pelted stones during procession of '*Mahavir Jhanda*' and they have committed organized crime with an intention to promote enmity between Hindu and Muslim and also obstructed in discharge of public duty.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that there is no specific allegation attributed against the petitioners, rather allegation is general and omnibus in nature. It is next submitted that injury of the injured police personnel is found simple in nature. The petitioners were only members of the mob. No T.I. parade has been conducted in this case. The petitioners are in custody since 10.08.2024 and have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused have been granted regular bail by this Court vide order dated 05.12.2024 passed in Cr. Misc. No. 82276 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.



6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioners and claim based on parity, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on 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 Court below/concerned Court in connection with Adapur P.S. Case No. 250 of 2024.

(Rudra Prakash Mishra, J)

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