

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78637 of 2023

Arising Out of PS. Case No.-118 Year-2023 Thana- AMAS District- Gaya

1. MD. BHOLI @ AKIB NESAR Son of Nesaruddin @ Nassu Driver R/o vill - Hemzapur, P.S. - Amas, Distt. - Gaya
2. Bobby @ Md. Ali Hasan Son of Md. Toufique Alam @ Md. Sibbi R/o vill - Hemzapur, P.S. - Amas, Distt. - Gaya
3. Asif @ Asif Arman Son of Md. Arman Alam R/o vill - Hemzapur, P.S. - Amas, Distt. - Gaya
4. Md. Rehan @ Md. Rehan Akhtar Son of Rizwan Akhtar @ Md. Rizwan Ahmad R/o vill - Hemzapur, P.S. - Amas, Distt. - Gaya
5. Shamsheer @ Shavir Hussain @ Sabbir Son of Md. Suleman Miyan R/o vill - Hemzapur, P.S. - Amas, Distt. - Gaya
6. Tabbu Khan @ Md. Tabish Khan @ Md. Taveez Khan Son of Faruk Khan @ Md. Faruk Khan R/o vill - Hemzapur, P.S. - Amas, Distt. - Gaya
7. Faisal @ Faishal Khan @ Md. Faisal Khan Son of Md. Mansoor Khan @ Maso Khan @ Masroor Khan R/o vill - Hemzapur, P.S. - Amas, Distt. - Gaya
8. Jahangir @ Jahangeer Alam @ Md. Jahangir Son of Md. Chippu @ Md. Alamgir R/o vill - Hemzapur, P.S. - Amas, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Javed Jafar Khan
For the Opposite Party/s :	Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 10-01-2024 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Amas Police Station Case No. 118 of 2023, disclosing offences under Sections 147, 149, 341, 323, 307, 353, 504, 506 of the Indian Penal Code. |
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3. As per the First Information Report, on 31.03.2023, while the police party was on duty during Ramnavmi Procession, in the meanwhile, some boys were going towards Sherghati from G.T. Road. Around 70-80 persons, having armed with danda, attacked the boys. In spite of intervention of the police, they assaulted the boys who received several injuries. The informant further stated that the mob also blocked the G.T. Road and also had scuffle with police personnel. Reinforcement was called by the police, then the accused persons fled away from the spot. Local *chowkidar* has disclosed the names of the petitioners as the members of the mob, involved in creating hurdles in the performance of duty by the police personnel.
4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case on the basis of disclosure of their names by the local *chowkidar*. The petitioners have no criminal antecedent and the allegations against them are general and omnibus in nature. Nobody has received injury at the hands of the petitioners and the statement of the victim boys were not recorded during the course of



investigation. He further submits that two accused persons, out of thirteen, have been granted anticipatory bail by the learned District Court itself.

5. Regards being had to the submissions made by the parties and taking into consideration the fact that according to the petitioners, similarly situated accused persons have been granted anticipatory bail by the learned District Court, I am inclined to grant anticipatory bail to the petitioners, subject to the condition that the learned District Court will verify the fact that whether similarly situated co-accused persons have been granted anticipatory bail by it or not. If the learned District Court is satisfied that similarly situated persons have been granted anticipatory bail by it, then the petitioners shall be released on anticipatory bail and if the statement of the petitioners regarding grant of anticipatory bail to similarly situated co-accused persons by District Court is found to be false, then the anticipatory bail granted to the petitioner by virtue of this order shall be treated to be rejected.
6. This application is, accordingly, disposed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period



of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sherghati, District Gaya, in connection with Amas Police Station Case No. 118 of 2023, subject to the conditions, as laid down under Section 438 (2) of the Code of Criminal Procedure, and the condition mentioned herein above.

(Anil Kumar Sinha, J)

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