

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78190 of 2023

Arising Out of PS. Case No.-325 Year-2023 Thana- BARACHATTI District- Gaya

BADKU KHAN @ SHAHJHAN KHAN @ BARKU KHAN Son of Sakur
Khan Resident of Village - Bhadeya, P.S.- Barachatti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 78755 of 2023

Arising Out of PS. Case No.-325 Year-2023 Thana- BARACHATTI District- Gaya

ANJAR KHAN @ ANJAR AHMAD @ ANZAR AHMAD KHAN Son of
Said Ahmad Khan Resident of Village - Bhadeya, P.S. Barachatti, District-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 78190 of 2023)
For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 78755 of 2023)
For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-01-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Barachatti P.S. Case No. 325 of 2023 for the offence punishable under sections 147, 148, 149, 323, 341, 342, 353, 153A, 295, 298, 307, 504, 506 of the I.P.C. lodged on 01.04.2023 by the informant, Sunny Kumar Baus.



3. As per the prosecution story, the allegation is that in a religious procession of one faith, the people of other faith obstructed the road which resulted into law and order situation. Both the parties raised slogan and also resorted to assault causing injuries. Accordingly, the police lodged FIR and the petitioners herein being named in it.

4. Learned counsel for the petitioners submit that they are resident of the said locality and have been wrongly dragged in the case. His further submission is that none of them have criminal antecedent.

5. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioners submit that they are ready to pay Rs. 2,000/- each (totalling Rs. 4,000/-) to the Bihar State Legal Services Authority.

6. Learned APP opposes the prayer stating that they tried to create chaos causing law and order problem during the religious procession.

7. Taking into account the aforesaid submissions put forward by the parties, the petitioners do not have criminal antecedent, FIR lodged and ultimately will have to face the trial, this Court is inclined to extend them the privilege of



anticipatory bail subject to payment of Rs. 2,000/- each (totalling Rs. 4,000/-) as undertaken by the learned counsel for the petitioners.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-II, Sherghati, Gaya, in connection with Barachatti P.S. Case No. 325 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

9. With the aforesaid observations, the anticipatory
bail application is allowed.

(Rajiv Roy, J)

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