

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1695 of 2024

Arising Out of PS. Case No.-223 Year-2019 Thana- BHARGAMA District- Araria

Abu Bakar @ Mohd Abo Bakar, Male, aged about 29 years, S/O Md.Kausar
R/O VILLAGE- AKARTHAPA BISHAHRIYA, P.S.- BHARGAMA,
DISTRICT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2024 Heard Mr. Gopal Jha learned counsel appearing on
behalf of the petitioner and Mr. Mithlesh Kumar Khare, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bhargama P.S. Case No. 223 of 2019 dated 12.09.2019
registered for the offence(s) punishable under Sections 147, 148,
149, 188, 186, 332, 333, 341, 323, 324, 353, 307, 504 of the
Indian Penal Code and Section 3/9 of Bihar Control of use and
play of load speakers Act and Under Section 184, 177(A) of
M.V. Act.

3. As per the allegation made in the FIR, while the
police personnels were discharging their duty to stop riot
between the parties and when the police officials stopped, more



than 500 people assaulted them by means of arrow and at the same time they played DJ on a very high pitch.

4. Learned counsel appearing on behalf of the petitioner submitted that the allegation is against more than 500 accused persons, which is general and omnibus in nature. It is further submitted that co-accused, Naurej @ Naurej Alam @ Md. Norez Alam and Zahid @ Jahid have already been granted anticipatory bail by different co-ordinate Benches of this Court vide order dated 20.12.2021 and 10.08.2023 passed in Cr. Misc. No.15652 of 2021 and Cr. Misc. No.43288 of 2023 respectively. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that general and omnibus allegation has been made against more than 500 accused persons and similarly situated co-accused persons, as named above, have already been granted anticipatory bail, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender



before the Court below 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. 1st Class, Araria in connection with /Bhargama P.S. Case No. 223 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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