

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.84547 of 2023**

Arising Out of PS. Case No.-222 Year-2019 Thana- BHARGAMA District-  
Araria

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Abu Bakar @ Mohd Abobakar S/O Md. Kausar R/O VILLAGE-  
AKARTHAPA BISHAHRIYA, P.S.- BHARGAMA, DIST.- ARARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
ORAL ORDER

2      18-01-2024                      Heard Mr. Gopal Kumar Jha, learned counsel for the  
  
petitioner and Mr. Anil Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection  
with Bhargama P.S. Case no. 222 of 2019 (G.R. No. 3369 of 2019)  
registered for the offence under Sections 25(1-B)a and 26 of the  
Arms Act and Section 186 of the Indian Penal Code.

The petitioner along with other accused persons are  
alleged to have interfered the police personnel while they were  
discharging their official duty to maintain law and order when  
the dispute between two parties are going on.

Learned counsel appearing for the petitioner submits  
that the petitioner, who is of clean antecedent, is innocent and  
has falsely been implicated in this case. He further submits that  
two F.I.R.s have been instituted for the same set of facts against



the petitioner and other accused persons. He further submits that on bare perusal of the F.I.R., it appears that there is no specific allegation attributed to the petitioner rather general and omnibus allegation is levelled against him along with other accused persons. He further submits that the petitioner at best can be said to be the member of mob. He further submits that similarly situated co-accused have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.11.2022 passed in Cr. Misc. No. 39515 of 2022 and analogous cases.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one pertaining to same occurrence, however, he is on bail in the pending case.

Considering the facts and circumstances of the case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Araria in connection with Bhargama P.S. Case No. 222 of 2019 (G.R. No. 3369 of 2019), subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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