

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- DULHIN BAZAR District- Patna

1. Md. Hasim Raza SON OF Kamruddin Ansari RESIDENT OF VILLAGE- LALA BHADSARA, PS- DULHIN BAZAR, DISTT- PATNA
2. MD. MOBIN ANSARI SON OF LATE WASRUDDIN ANSARI RESIDENT OF VILLAGE- LALA BHADSARA, PS- DULHIN BAZAR, DISTT- PATNA
3. JAMALUDDIN AKBAR @ JAMALUDDI AKBAR SON OF NAEEM MIYAN RESIDENT OF VILLAGE- LALA BHADSARA, PS- DULHIN BAZAR, DISTT- PATNA
4. MD. MAHMUD ANSARI SON OF HANIF MIYAN @ WASRUDIN ANSARI RESIDENT OF VILLAGE- LALA BHADSARA, PS- DULHIN BAZAR, DISTT- PATNA
5. MD. JAVED ANSARI @ MD. JAVED AKATAR @ JAVED AKATAR SON OF HASIM RAJA RESIDENT OF VILLAGE- LALA BHADSARA, PS- DULHIN BAZAR, DISTT- PATNA
6. MD. TAHIR SON OF NEYAZ MIYAN RESIDENT OF VILLAGE- LALA BHADSARA, PS- DULHIN BAZAR, DISTT- PATNA
7. ZULFIQUR @ ZULFIQAR SON OF ZALMI SAHEB RESIDENT OF VILLAGE- LALA BHADSARA, PS- DULHIN BAZAR, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Sinha, Advocate
For the Opposite Party/s : Mr. Md. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-01-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Dulhin Bazar P.S. Case No. 114 of 2023 instituted under under Section 143, 147, 149, 188, 295, 295(A), 297and 153(A) of the Indian Penal Code lodged on 25.3.2023 by the informant, Nagendra Kumar.



3. As per the prosecution story, the informant who is the Circle Officer of Dulhin Bazar, Patna has alleged that for the construction of a boundary wall relating to religious place, both the communities gathered there causing law and order problem and finally the District Administration had to resort to Section 144 of the Cr.P.C.

4. Learned counsel for the petitioners submit that they are local villagers, nothing to do with act and merely because, they were on lookers, have been implicated. None of them have criminal antecedents. It is further submitted that irrespective of the outcome of the present case and/or accepting the allegation, all the seven petitioners intend to contribute Rs. 2000/- each to the Patna High Court Legal Services Committee.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submission put forward by the parties, only allegation of presence is there, no further allegation has been incorporated, they do not have criminal antecedents, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 2000/- each as undertaken by the learned counsel for the petitioners to be deposited with the Patna High Court Legal Services Committee.

7. Let the petitioners be released on bail, in the event



of their arrest or surrender before the subordinate court 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 the like amount each in connection with Dulhin Bazar P.S. Case No. 114 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Danapur, Patna or the concerned Court subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the investigation and make themselves available to the police as and when required;

(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.

(Rajiv Roy, J)

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