

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2383 of 2024

Arising Out of PS. Case No.-39 Year-1997 Thana- PIRBAHOR District- Patna

Naseem Ahmad @ MD. Bholu Late S.M. Noor R/o- Mohlla Dariyapur
Langar Toli Sabzibagh PS Purbahore Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Choudhary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 19-04-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Pirbahore P.S. Case No. 39 of 1997 dated 14.02.1997, instituted for the offence punishable under Sections 147, 148, 149, 302, 307, 323, 353 & 153A of the Indian Penal Code and 3/5 of Explosive Substance Act 1908 and 27 of the Arms Act.

3. The prosecution case, in short, is that on 14.02.1997, procession of about 200 student of Patel hostel were carrying the statue of goddess Saraswati for immersion with four elephants, four camels. Tractor carrying goddess was diverted from the Junction of Govind Mitra Road and Ashok Rajpath by the administration who were accompanying the procession of students, on account apprehension of disturbance



if the procession of student was allowed to go towards west. It is said that when the procession reached near Patna College, trouble started. A person named Md. Alam was apprehended with a live bomb who was trying to enter into the procession of students. Soon, disturbance erupted and bomb was thrown by mohalla people resulting into procession of student scattering and firing. Bombs were thrown by mohalla people from their roof tops. The police also resorted to firing which resulted in injuries to few people and death of one Md. Khursid. On the basis of said occurrence, the present case has been lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that said F.I.R. has been lodged against 38 persons and there is no specific allegation against the petitioner. It is further stated that two different F.I.R. have been registered for one incident which took place on 13.02.1997. Pirbahore P.S. Case no. 38 of 1997 has been registered on 13.02.1997 and Pirbahore P.S. Case No. 39 of 1997 (Present F.I.R.) has been registered on 14.02.1997. The only difference between the two F.I.R. is that the present case has been lodged under Section 302 and allied sections whereas Pirbahore P.S. Case no. 38 of 1997 has been lodged under Section 307 and



allied sections. It is further stated the petitioner had faced the trial and has been acquitted on the basis of the finding of the learned Court below vide Pirbohore P.S. Case No. 38 of 1997. It is further submitted that the petitioner has not received any summon regarding this case. It is next submitted that similarly situated accused person namely, Md. Javed @ Javed Ahmad has been granted bail vide order dated 07.02.2024 passed by this Court in Criminal Miscellaneous No. 2709 of 2024. Lastly, it has been submitted that the petitioner has two criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Pirbahore P.S. Case No. 39 of 1997, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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