

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6625 of 2025

Arising Out of PS. Case No.-395 Year-2024 Thana- NAWADA District- Nawada

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1. Md. Izhar Son of Shamim Mistry Resident of Village - Shah Toli Bhadauni, P.S. - Nawada, District - Nawada
 2. Md. Uhab Son of Shamim Mistry Resident of Village - Shah Toli Bhadauni, P.S. - Nawada, District - Nawada
 3. Md. Saheb @ Shahib Son of Mansoor Shah Resident of Village - Shah Toli Bhadauni, P.S. - Nawada, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hafiz Shahbaz Arif, Adv
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-03-2025 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioners are named in the

F.I.R. and apprehended their arrest in connection with

(Nawada) Nagar P.S. Case No. 395 of 2024 registered for the

offences punishable under Section 147, 149, 341, 323, 337,

332, 333, 307, 379, 511, 323 and 427 of the Indian Penal

Code & Section 45 of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioners is to



deter the police officials while discharging their official function, when police went to the house of one co-accused Karu Chaudhary for his arrest as he was found involved in illegal trade of illicit liquor. Aforesaid deterrence was made by several named co-accused persons.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners were part of the mob only and there is no specific allegation as to deter police officials to discharge their duties. It is submitted that even Karu Chaudhary whose house was raided by police for his arrest was granted anticipatory bail by one of the learned Coordinate Bench of this Court through Cr. Misc. No. 34732 of 2024 dated 16.05.2024. While concluding the argument learned counsel submitted that all petitioners found involved in one more case, where they are on bail.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of aforesaid facts and circumstances and by taking note of the fact as similarly situated co-accused persons have already granted anticipatory bail by one of the



learned Co-ordinate Bench of this Court as discussed aforesaid, coupled with fact as petitioners are also facing general and omnibus allegation *qua* deterring police officials, accordingly all the petitioners above named, in the event of their arrest or surrender before the learned Trial Court within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special, Excise Court-1, Nawada/concerned Trial Court where the case is pending in connection with (Nawada) Nagar P.S. Case No. 395 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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