

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37995 of 2025

Arising Out of PS. Case No.-303 Year-2024 Thana- DHAKA District- East Champaran

1. Kausar @ Md. Kausar S/o- Shekh Khalik @ Abdul Khalik Resident of village- Naya Tola Dhaka, P.S.- Dhaka, District- East Champaran
2. Motim @ Munna @ Motin S/o- Late Shekh Amir @ Md. Jamir Resident of village- Naya Tola Dhaka, P.S.- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-07-2025 Heard Mr. Ajay Kumar Singh, learned counsel
for the petitioners and Mr. Jharkhandi Upadhyay, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Dhaka P.S. Case No. 303 of 2024, F.I.R. dated 19.07.2024 for the offences punishable under Sections 191(2), 191(3), 190, 329(3), 324(4), 326(g), 109, 132, 221, 121(1), 121(2) and 61(2) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3/4 of the Prevention of Damage to Public Property Act.

3. According to prosecution case, some labourers had gone in the septic tank and became unconscious and later they declared dead in Sub Divisional Hospital, Dhaka. Due to this



reason the locals became violent, attacked on the doctors, vandalized the ICU ward and other rooms of the Hospital and also damaged the ambulance and attacked on the Fire Brigade.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. From perusal of the F.I.R it appears that the petitioners are named in the F.I.R but there is no specific allegation against these petitioners rather there is general and omnibus allegation against all the accused persons who are about 500 in numbers including these petitioners. He further submits that the similarly situated co-accused, namely, Asmat @ Md. Ashmat @ Mohammad Ashamat Ansari has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 26.03.2025 passed in Cr. Misc. No. 7798 of 2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is no specific allegation against these petitioners and similarly situated co-accused has been granted anticipatory bail, let the petitioners, above named, in the event of arrest or surrender before the court



below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sikarhana at Dhaka in connection with Dhaka P.S. Case No. 303 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Vanisha/-

U		T	
---	--	---	--

