

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39854 of 2025

Arising Out of PS. Case No.-423 Year-2023 Thana- BHAGWAN BAZAR District- Saran

1. Arslan Khan @ Kallu
 2. Intekhab Khan @ Champion
- Both are S/O Asifuddin Khan Resident of Mohalla- Near Choti Masjid Nai Bazar, P.S- Bhagawan Bazar, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Srivastva, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-07-2025 Heard Mr.Vijay Kumar Srivastva, learned counsel for the petitioners and Mr.Mukesh Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhagwan Bazar P.S.Case No.423 of 2023, FIR dated 27.10.2023 registered for the offences punishable under Sections 147, 148, 149, 188, 290, 153(A), 295, 295(A), 296, 337, 338, 307, 332, 333, 353, 427, 120(B) of the Indian Penal Code and Section 9 of Bihar Control of use and Play of Loudspeaker Act.

3. As per the prosecution case, during the procession of Goddess Durga immersion when the procession reached near



Masjid it was stopped and music and chanting slogan were done. It is further alleged that some unsocial elements started throwing stones on the procession just when the procession started moving ahead.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Although the petitioners are named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and similarly situated co-accused person, namely, Sanjay Kumar has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 22.05.2024 passed in Cr. Misc. No.32926 of 2024 and similarly situated co-accused person, namely, Santosh Kumar @ Santosh Prasad has been granted privilege of anticipatory bail by this Court vide order dated 21.05.2025 passed in Cr. Misc. No.29788 of 2025 respectively and several other similarly situated co-accused persons have also been



granted privilege of anticipatory bail by different Coordinate Benches of this Hon'ble Court.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioners and several other similarly situated co-accused persons have been granted privilege of anticipatory bail by different Coordinate Benches of this Hon'ble Court or by this Court, let the petitioners, above named, in the event of their 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 learned A.C.J.M.-1st, Saran at Chapra in connection with Bhagwan Bazar P.S.Case No.423 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482 (2) of BNSS, 2023 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 antecedents, 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)

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