

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44917 of 2025

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

1. Majre Alam S/o Raish @ Md. Raish @ Md. Raish R/o Village- Lahan Dhaka, P.S- Dhaka, District-East Champaran, Motihari
2. Reyazul @ Rayaz Ahmad S/o Md. Shaib R/o Village- Lahan Dhaka, P.S- Dhaka, District-East Champaran, Motihari
3. Kazim Hashmi @ Saiyad Kasim S/o Saiyad Md. Ansar R/o Village- Lahan Dhaka, P.S- Dhaka, District-East Champaran, Motihari
4. Monaf @ Md. Monaf S/o Abdul Ahmad @ Abdul Ahad R/o Village- Lahan Dhaka, P.S- Dhaka, District-East Champaran, Motihari
5. Motiur Rahman @ Motiul Rahman @ Moti S/o Israfil @ Mohammad Israfil R/o Village- Lahan Dhaka, P.S- Dhaka, District-East Champaran, Motihari
6. Arif Iqbal @ Lal Babu S/o Farooque @ Md. Farukh R/o Village- Lahan Dhaka, P.S- Dhaka, District-East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zaki Haider, Advocate
For the Opposite Party/s : Mr. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-07-2025 Heard Mr. Zaki Haider, learned counsel for the petitioners and Mr. Shakir Ahmad, 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 B.N.S. and Sections 3 and 4 of the



Prevention of Damage of Public Property Act, 1984.

3. According to prosecution case, an information was received that four labourers died on account of suffocation in a toilet tank while working on a construction site. It is further alleged that due to the incident, the unlawful assembly grew aggressive and caused extensive damage to the hospital's ICU ward and other rooms, overturned an ambulance in the hospital premises and set it on fire.

4. Learned counsel for the petitioners submits that all the petitioners (except petitioner no. 6) have clean antecedent and the petitioners have falsely been implicated in the present case. He further submits that although, the petitioners are named in the FIR, but from a bare perusal of the FIR, it appears that name of the petitioners have been transpired on the basis of the CCTV footage and there is no specific allegation of any assault or overt act against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. It is also submitted that for the same set of occurrence, two FIRs have been instituted one is Dhaka P.S. Case No. 302 of 2024 by the Deputy Superintendent, Sub-Divisional Hospital, Sikarhana, Dhaka and another is Dhaka P.S. Case No. 303 of 2024 (the present FIR) by the B.D.O.,



Dhaka. It is further submitted that the co-accused person namely, Shahjad @ Sazzad Akhtar has been granted privilege of anticipatory bail by this Court vide order dated 20.05.2025 passed in Cr. Misc. No. 23348 of 2025, co-accused persons namely Asmat @ Md. Ashmat @ Mohammad Ashamat Ansari and Firoj Ansari @ Firoj Hussain have been granted privilege of anticipatory bail by different co-ordinate Benches of this Hon'ble Court vide order dated 26.03.2025 passed in Cr. Misc No. 7798 of 2025 and order dated 13.05.2025 passed in Cr. Misc. No. 14116 of 2025 respectively.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no. 6 carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, there is no specific allegation against these petitioners, name of the petitioners have been transpired on the basis of CCTV footage and similarly situated co-accused persons have been granted privilege of anticipatory bail by this Court and other co-ordinate Benches of this Hon'ble 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 the learned S.D.J.M., Sikrahana, Dhaka, East Champaran 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/482(2) of the B.N.S.S., 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 bond 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 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)

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