

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62967 of 2024

Arising Out of PS. Case No.-297 Year-2023 Thana- MIRGANJ District- Gopalganj

Khurshed Ali Son of Anwar Ali R/o Vill- Line Bazar, Bathua Bazar, P.S- Line Bazar, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 17-01-2025 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner apprehends arrest in connection with Mirganj P.S. Case No. 297 of 2023 registered for the offence under Sections 147, 148, 149, 341, 323, 332, 307, 353, 337, 153A, 295A, 427 & 298 of the Indian Penal Code and 66D of the I.T. Act.

3. The prosecution story, in brief, is that the informant got secret information that some anti-social elements are pelting bricks at Line Bazar for the purpose of disturbing peace and harmony. The informant along with other police personnel reached there and found that 100-125 people of Hindu community and 100-125 people of Muslim community having



lathi, danda and *farsa* were abusing and pelting stone. The police personnel tried to pacify the matter, but none listened to it. Thereafter, officer in-charge of police station lodged the F.I.R. against the accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted the petitioner never part of alleged unlawful assembly. He further submits that the police has falsely implicated the petitioner in the alleged offence. He further points out that as per the F.I.R., around 250 people were assembled which shows that there is possibility of false implication in the F.I.R. It is not possible for any officer in-charge of any police station to know all 250 persons by name. There is every possibility of false implication. It is further submitted that there is no specific allegation against the petitioner regarding any overt act. It is submitted that similarly situated co-accused persons have already been granted bail by a learned co-ordinate Bench of this Court through Cr. Misc. No.31081 of 2024 on 07.05.2025 and Cr. Misc. No.6364 of 2024 on 17.02.2024. It is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the



State, opposes the prayer of bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, submissions made on behalf of the petitioner and as similarly situated co-accused persons have already been granted bail a learned co-ordinate Bench of this Court, where, the present case is identical to that case and as there is general and omnibus allegation against this petitioner, let the above-named petitioner be released on anticipatory bail in the event of his arrest or surrender before the trial court within a period of six weeks from today on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Gopalganj in connection with Mirganj P.S. Case No. 297 of 2023 subject to the condition laid down under Section 438(2) of Cr.P.C. with further conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has given wrong statement regarding his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing them and getting satisfied that the petitioner has concealed his criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong,
learned court below shall cancel the bail bond of the petitioner.

(Ramesh Chand Malviya, J)

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