

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62659 of 2025

Arising Out of PS. Case No.-378 Year-2025 Thana- GARDANIBAG District- Patna

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1. Md. Irfan S/o Md. Azad R/o Mohalla - Pahadpur, P.S.- Gardanibag, Distt.- Patna
 2. Md. Ashraf S/o Md. Kammu Miyan R/o Mohalla - Pahadpur, P.S.- Gardanibag, Distt.- Patna
 3. Md. Mansoor @ Md. Mansoor Alam S/o Md. Raffi R/o Mohalla - Pahadpur, P.S.- Gardanibag, Distt.- Patna
 4. Md. Ful Mohhamad @ Md. Ful Mohammad S/o Late Md. Mehadi Miyan R/o Mohalla - Pahadpur, P.S.- Gardanibag, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagmani Kumar, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-11-2025 Heard the learned counsel for the petitioners and the
learned Additional Public Prosecutor for the State.

2. The petitioners apprehends their arrest in connection with Gardanibag P.S. Case No. 378 of 2025, dated 07.07.2025, registered under Sections 191(2), 191(3), 115(2), 352, 351(2), 132 and 223 of the B.N.S.

3. The prosecution case, in brief, is that on 06/07/2025 the informant was on duty in procession of Pahadpur Imambada, on occasion of Muharram. At about 23:45 P.M., two groups of procession met near Haldiram Shop and without any reason,



members of both groups started fighting and abusing to each other. Due to which the informant and his colleagues faced difficulties in discharging their duty. It has further alleged that the informant and his colleagues interfered and managed to pacify both the parties.

4. It is submitted by the learned counsel for the petitioners that petitioners have not committed any offence in the manner as alleged in the F.I.R. and the allegations levelled against them are general and omnibus in nature, which has been recorded on the basis of statement made by the local people. A minor skirmishes took place during the Moharram procession and no serious law and order situation had arisen. None of the parties from the two processions made any complaint before the Police regarding assault made upon them. Nobody has sustained any injury during the procession. Learned counsel further submits that other co-accused persons have been granted privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 17.09.2025, passed in Cr. Misc. No. 61137 of 2025 and analogous cases.

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

6. Considering the facts that petitioners have not committed any offence in the manner as alleged in the F.I.R. and



the allegations levelled against them are general and omnibus in nature and other co-accused persons have been granted privilege of anticipatory bail by a Coordinate Bench of this Court, let the above named petitioners, be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 A.C.J.M- 13th, Patna in connection with Gardanibagh P.S. Case No. 378 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner (s) who shall provide official document to show his/her bona fide;

(ii) the petitioner (s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner (s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioner (s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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