

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71603 of 2025

Arising Out of PS. Case No.-138 Year-2014 Thana- MADANPUR District- Aurangabad

Mujahid Husain @ Md. Mojahir Ansari S/o Haitulbiha Ansari @ Hujal Mian
R/o Village- Jurahi, P.S.- Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advcoate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Madanpur P.S. Case No. 138 of 2014 registered for the offences punishable under Sections 147, 148, 149, 353, 435, 427 of the Indian Penal Code read with Section 27 of the Arms Act and Section ¾ of the Explosive Substance Act and Section 17 of CLA Act.

3. As per prosecution case, there is altercation between CRPF, Police and villagers near Chhalidohar School. It is alleged that mob of about 500 people came near village Umga. It is alleged that they pelted stones at Madanpur Police Station and started firing with small arms and blocked the road outside the police station and surrounded the police station. It is



further alleged that other group of mob entered into Block office of Madanpur and Police Inspector Office, Madanpur and created nuisance and destroyed the vehicle and office furniture etc.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been transpired in this case. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that petitioner bears criminal antecedent of five cases bearing Madanpur P.S. Case No. 133 of 2014 to Madanpur P.S. Case No. 137 of 2014 and the petitioner is on bail on the said cases and the present case is Madanpur P.S. Case No. 138 of 2014. He further submits that all the cases are arising out of same occurrence. He further submits that the police has played a machiavellian role to implicate the petitioner in successive five cases i.e. Madanpur P.S. Case No. 133 of 2014 to Madanpur P.S. Case No. 137 of 2014, as is evident from para 3 of the bail petition. Petitioner is in custody since 23.04.2025. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that just because of having criminal antecedent of five cases, petitioner has falsely been implicated in the present case without



any basis in a routine manner. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that co-accused Ramji Bhuiyan has already been granted anticipatory bail vide Cr. Misc. No. 27816 of 2023 and co-accused Awadh Mehta and Others have already been granted anticipatory bail vide Cr. Misc. No. 44740 of 2019 by the Co-ordinate Benches of this Court and the case of present petitioner is identically same. Hence, he deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that during the course of investigation the name of the petitioner has been transpired in this case. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted anticipatory bail by the Co-ordinate Benches of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad



in connection with Madanpur P.S. Case No. 138 of 2014, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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