

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77226 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- MEHSI District- East Champaran

Md. Ajmuddin S/O Md. Bahauddin @ Bahauddin R/O Village-Damodar
Pur ,P.S-Mehsi ,District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 25-04-2025 Heard Mr. Vijay Shankar Shrivastava, learned
counsel for the petitioner, Mr. Choubey Jawahar, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Mehshi
P.S. Case No. 109 of 2024, instituted for the offences punishable
under Sections 196, 197(1), 197(2), 223 and 152 of the
Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons was showing flag of
Philistine in Moharram procession of Damodarpur and was
apprehended by the police on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that mental condition of the petitioner is not well and some unknown persons of procession of Moharram Committee gave him the flag of Philistine but he had got no knowledge about the said flag is illegal. The petitioner is in custody since 18.07.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that the petitioner is named in the FIR and there is direct allegation against him that was carrying the flag of Philistine on the day of procession on the occasion of Moharram. It is further submitted that flag of Philistine was recovered from the possession of the petitioner and he along with other co-accused persons tried to promote communal disharmony between two classes and also tried to affect integrity, sovereignty and unity of nation. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner at this stage.



7. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously. However, if the trial is not concluded within a period of six months from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

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