

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33782 of 2026

Arising Out of PS. Case No.-423 Year-2023 Thana- BHAGWAN BAZAR District- Saran

1. Jahan Ara Wife of Guddu Khan Resident of Mohalla - Near Choti Masjid Nai Bazar, P.S. -Bhagwan Bazar, Dist- Saran
2. Nikhat Daughter of Guddu Khan Resident of Mohalla - Near Choti Masjid Nai Bazar, P.S. -Bhagwan Bazar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-07-2026 Heard Mr. Vijay Kumar Srivastva, learned counsel
for the petitioners and Md. Matloob Rab, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhagwan Bazar P.S. Case No. 423 of 2023, F.I.R. dated 27.10.2023 for the offences punishable under Sections 147, 148, 149, 188, 290, 153(A), 295, 295(A), 296, 337, 338, 307, 332, 333, 353, 427 and 120(B) of the IPC and Section 9 of Bihar Control of use and play of Loudspeaker Act.

3. According to prosecution case, 115 named and 500 unnamed accused persons said to have pelted stones on the procession of Goddess *Durga* when it reached near *Masjid* due



to which panic has been created between the two religious groups.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Although petitioners are named in the FIR but there is no specific allegation of assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the similarly situated co-accused, namely, Arslan Khan @ Kallu and another have been granted anticipatory bail by this Court vide order dated 15.07.2025 passed in Cr. Misc. No. 39854 of 2025 and another co-accused, namely, Rakesh Kumar Mishra has also been granted anticipatory bail by this Court vide order dated 17.04.2026 passed in Cr. Misc. No. 23165 of 2026.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is no specific allegation against these petitioners and similarly situated co-accused persons have been granted anticipatory bail by this 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 A.C.J.M.-1st, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 423 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 tampers 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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