

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48200 of 2026

Arising Out of PS. Case No.-117 Year-2025 Thana- BALIGAON District- Vaishali

1. Md. Irshad S/O Md. Laddu R/O Village- Kawadih, P.S.- Baligaon, Distt.- Vaishali (Bihar).
2. Md. Tanzeel S/O Md. Nasim R/O Village- Kawadih, P.S.- Baligaon, Distt.- Vaishali (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Baligaon P.S. Case No. 117 of 2025, F.I.R dated 08.07.2025 registered for the offences punishable under Sections 191(2), 191(3), 190, 323, 192, 132, 109, 351(2), 326(b) and 324(6) of the Bharatiya Nyaya Sanhita, 2023 read with section 3, 7 and 9 of Bihar Control of the Use and Play of Loud Speakers Act, 1955.

3. According to prosecution case, on 06.07.2025 at about 09:45 A.M., during patrolling, the informant received information that a Muharram Tazia procession had blocked the



road and was playing a DJ at high volume, causing obstruction to public movement. During the procession, a motorcycle allegedly collided with a passenger bus, after which the named accused persons along with several others became violent, set the bus on fire, and assaulted the bus driver with lathi-danda and other weapons, causing injuries. On this allegation, the present F.I.R. was instituted against 36 named accused persons and about 200 unknown persons.

4. Learned counsel for the petitioners submits that the motorcycle, which is said to have been coming from Samastipur and having been collided with the bus, belongs to the petitioner No. 1, while there is nothing specific to implicate this petitioner in the allegations for which the F.I.R. is said to have been registered. While there is no specific allegation in respect of the petitioner No. 2. It has further been submitted that, there are altogether 36 named accused persons and 200 unknown persons have been implicated in this case. And for similar allegation, the other co-accused persons have already been extended the privilege of anticipatory bail by vide Order dated 12.03.2026 in C.W.J.C. No. 15314 of 2026. Learned counsel for the petitioners fairly submit that petitioner No. 1 has clean antecedent and petitioner No. 2 has one criminal antecedent in



which he is on bail.

5. Learned APP for the State opposes the prayer for anticipatory bail application in respect of both the petitioners.

6. Considering the aforesaid facts and circumstances, that no specific allegation has been made against petitioner no. 1 except being the owner of the motorcycle and alleged to have collided with the bus, whereas no specific overt act has been attributed to petitioner no. 2 in the F.I.R., and the fact that similarly situated co-accused persons have already been granted the privilege of anticipatory bail, this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

7. Let the petitioner, above named, in the event of his/her 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) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1, Vaishali at Hajipur in connection with the aforesaid P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the



petitioner(s) who shall provide official document/personal affidavit 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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