IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39363 of 2026

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

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Najo Hussain S/o Late Abdul Karim Resident of village - Damodarpur, P.S.- Mehsi, District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Nafisu Zzoha, Adv.
: Mr. Nasar Iqbal, Adv.
: Mr. Raghib Alam, Adv.
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 21-08-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 196, 197(1), 197(2), 223 and 152 of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case and is in custody since 30.12.2025 and charge-sheet has been submitted. It is next submitted that informant alleges that on 17.07.2024 at 9:00 AM, he along with the police force were on duty on the occasion of Moharram procession, when a secret information was received that a person is carrying a flag of Philistine in Moharram procession at Damodarpur and a video clip of the same is on

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social media, accordingly the informant along with the force reached the place of occurrence and saw a person carrying flag of Philistine with stick in hand, hence the accused was apprehended who disclose his name as Azmuddin, thus alleges that apprehended accused along with others tried to disturb communal harmony by breaching the condition of license issued in the name of petitioner for carrying out Moharram procession.

4. Learned counsel for the petitioner submits that no doubt the license for carrying out Moharram procession was issued in the name of the petitioner, but then it is not the case of the prosecution that they saw the petitioner carrying flag of Philistine. It is further submitted that thousands of devotees participated in Moharram procession and it is not possible for the licensee to control the crowd, though it is the duty of the licensee to ensure that communal harmony is maintained and no untoward occurrence takes place. It is also submitted that petitioner himself was not aware that Azmuddin was carrying flag of philistine. It is also submitted that if privilege of regular bail is granted, the petitioner will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

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6. Considering the submission made by learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mehsi P.S. Case No. 109 of 2024.

7. **Accordingly, the application stands allowed.**

(Satyavrat Verma, J)

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