

**IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-1,
EAST CHAMPARAN, MOTIHARI.**

Anticipatory Bail Petition No. 1305/2026

1. Moin Akhtar alias Moin Ansari, s/o Amrullah Ansari
Resident of vill – Jagiraha, P.S. Jitna, District- East Champaran.

----- **Petitioner**

VERSUS

State of Bihar ----- **Opp. Party.**

Appearance: -

Counsel for the accused : - Md. Kashim, Ld. Advocate.
Counsel for the State/O.P. : - Sri Khublal Prasad, Ld. P.P.

Date of Order: 07.04.2025

ORDER

This anticipatory bail petition has been filed on behalf of the above named petitioner, who is apprehending his arrest in connection with Ghorasahan P.S Case No. 108 of 2015, U/s- 147, 148, 149, 341, 342, 323, 324, 307, 353, 332, 333, 337, 338, 427, 504, 506, 120(B) of I.P.C.

Heard, the Ld. counsel appearing on behalf of petitioner and Ld. P.P. on behalf of State/O.P.

The case of the prosecution in brief is that on 06.04.2015 the informant S.D.O. Sikrahana was at Ghorasahan Railway Station to control the situation emerged at the question of Railway trafficking for maintaining law and order situation caused due to dispute of stoppage of Express train at the station. In the meantime it was reported that the aforesaid petitioner along with other co-accused persons forming unlawful assembly armed with deadly weapons under the leadership of one Prabhu Prasad were forcibly getting the shops and market closed and causing hurt to the shopkeepers, who were not ready to close their shops. Upon such information the informant proceeded for Birta chowk, Ghorasahan along with other officials to verify the matter. As soon as the informant reached near Bhagat Singh Chowk he found the F.I.R. named accused persons and mob of about 500 people making unlawful assembly armed with lathi, danda, bricks, stones etc. They attacked on the police party. The matter was tried to pacify but on the order of co-accused Prabhu Prasad the mobbers attacked with bricks, stones, bottles, lathi and danda. Many Officials of police sustained injuries in the said occurrence.

Ld. counsel appearing on behalf of accused petitioner has submitted that petitioner is innocent, has committed no offence and he has falsely been implicated in this case. No other regular or anticipatory bail petition has ever been filed on behalf of the petitioner either before this court or any superior court. Petitioner has no criminal antecedent. Petitioner is not named in

the F.I.R. and nothing has been recovered from the possession of the petitioner. His name surfaced in the case on the basis of supervision note of the police. Petitioner is ready to abide all the terms and conditions imposed by the court.

On other hand, Ld. Public Prosecutor(I/C) appearing on behalf of State opposed the prayer for anticipatory bail. Further he stated that petitioner along with other co-accused persons forming an unlawful assembly assaulted the police personnel and injured them.

Heard both sides and perused the record. From the perusal of record it appears that there is an allegation against the petitioner that he along with the co-accused persons forming an unlawful assembly armed with lathi, bhala, danda, farsa, bricks, stones, bottles etc, under the leadership of co-accused Prabhu Prasad were forcibly getting the shops and market closed and causing hurt to the shopkeepers, who were not ready to close their shops and market and the members were pelting bricks, stones, indiscriminately and by making unlawful assembly also stopped the passenger train and damaged the train engine Railway property too and blocked the railway line. They also assaulted the police personnel who were performing their duties. During investigation police has found that case true again the petitioner and other co-accused persons. Witnesses examined during the investigation have also corroborated the version of F.I.R. The allegations against the petitioner are serious in nature. Moreover this case has been registered in the year 2015 and since then petitioner was evading his arrest by the police. At this stage in my opinion it will not be proper to grant him the privilege of anticipatory bail.

Considering the aforesaid facts and circumstances of the case, and nature and gravity of the offence alleged and conduct of the petitioner, I am not inclined to grant anticipatory bail to the above named accused petitioner and accordingly, this anticipatory bail petition is hereby **rejected**. He is directed to surrender before the trial court and seeks regular bail.

(Dictated)

Sd/-

(Surendra Prasad)
District & Addl. Sessions Judge-1,
Motihari, East Champaran.