

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-V,

MOTIHARI, EAST CHAMPARAN

ANTICIPATORY BAIL APPLICATION NO. : 3158/2026

Present:
Rajendra Kumar Sinha
D.A.S.J.-V, Motihari

IN THE MATTER OF:

1. Md. Farooque, aged about 52 years, S/O Lt. S.K. Idri
2. Md. Rauf @ Rauf Seikh, aged about 65 years, S/O Lt. Shahid
3. Tabrez @ Shamsh Tabrez, aged about 48 years, S/O Mazhar Alam

All R/O Village- Bhandar, P.S- Pachpakri,

Dist- East Champaran

----Accused/Petitioners

vs

State of Bihar

----Opposite Party

P.S. - Pachpakri

FIR No. 78/26

Offence u/s-191(2)(3), 190, 192, 194(2), 196(2), 132, 115(2), 117(2), 118(1), 109(1), 324(3), (5), 223B, 79, 351(2), 352, 61(2) of B.N.S. and Section 3 & 4 of Damage of Public Property Act.

District: East Champaran

Ld. Counsel for State →

A.P.P. Sri S. C. Pd. Yadav

Ld. Counsel for applicant →

Ld. Adv. Sri Noorul Haq

ORDER

10-06-2026 1. Vide this order, anticipatory bail application u/s 482 (1) B.N.S.S. filed by the petitioner above named dated 04-06-26 is being disposed off.

2. Factual matrix of the present case is that on 04-05-26, during the Kalash Yatra organized as part of the Shri Vishnu Mahayagya at Bhandar Village under Pachpakri Police Station, when the procession reached near the main mosque, a dispute arose regarding use of a DJ Sound system, which had been prohibited. The administration attempted to stop the DJ, but the participants in the procession refused to comply with the instructions. Thereafter, tensions escalated between members of the two communities, and provocative slogan-shouting began. The administration and police made efforts to persuade both sides and maintain peace, but neither side complied with the directions. Meanwhile, rumors spread, resulting in

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-V,

MOTIHARI, EAST CHAMPARAN

ANTICIPATORY BAIL APPLICATION NO. : 3158/2026

**Present:
Rajendra Kumar Sinha
D.A.S.J.-V, Motihari**

a larger gathering of people and further aggravating the situation. Subsequently, stone-pelting started between the two groups, leading to panic and a violent clash. The miscreants used sticks, stones, and other weapons, vandalized nearby houses, and also attacked the administrative and police personnel present at the spot. Several persons from both communities, police personnel, and the magistrate sustained injuries, and a government vehicle was damaged during the incident. After the arrival of additional police forces and considerable efforts by the administration and police, the situation was eventually brought under control.

3. In the nutshell, it is argued on behalf of the applicant/accused that no bail petition of any kind has been filed earlier in this court or any higher court, has no criminal case is pending against them but is quite innocent, has committed no offence as alleged and has been falsely been implicated in this case at the instance of their enemies with a view to extort and blackmail them. It was further argued that all offences are bailable except Section 132 & 109(1) B.N.S and 3/4 of Damage of Public Property Act and these are not being made out against the petitioners. It was argued that there is no injury report to corroborate the allegation and virtually these are super addition and ornamental sections. It was further argued that there is general and vague allegations in the FIR has been made, it is not specific that which accused injured whom and who damaged the public property is also not clear in the FIR. It was argued that petitioners have no concern or connection with the alleged occurrence and at that time they were in their house and after knowledge they went to pacify the petitioners and also persuaded both the sides and finally the matter was pacified but due to high handiness of their enemies the petitioners were also dragged in this case. It was submitted that Petitioner No. 2 is old & infirm whereas the others are members of Shanti Samiti and deserve mercy. It was argued that petitioners undertake to cooperate the trial and ready to furnish bail bond, accordingly, prayer for grant of Anticipatory Bail was made.

4. At this stage, it may be noted that the case has been registered for offences related to rioting, unlawful assembly mischief and disturbance during the religious procession by use of deadly weapons, damaging the properties and disturbance of public peace & communal harmony. The allegations disclose active participation of the applicants in the incidence as they were identified through video footage. The allegations pertain to the rioting committed during religious procession, which have serious implications for maintenance of public

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-V,

MOTIHARI, EAST CHAMPARAN

ANTICIPATORY BAIL APPLICATION NO. : 3158/2026

Present:
Rajendra Kumar Sinha
D.A.S.J.-V, Motihari

order and it must be made distinctly clear that some very compelling circumstances must be made out for granting pre-arrest bail to a person accused of offences as alleged, where the case is still under investigation and if such an order is allowed to stand, faith of public in administration of justice is likely to be considerably shaken. Therefore, this court has no option but to reject the application of petitioners of granting them anticipatory bail.

5. On the other hand, learned Additional P. P. for the state very vehemently opposed the bail petition however, no substantive argument was made on his behalf.

6. I have heard all the sides and gone through the record.

7. Considering the matter in totality, the gravity of offence, the manner in which the offence has been committed, the court is of considered opinion that at this stage the bail should not be granted to the petitioner hence, the present Anticipatory bail application of the above named accused namely **Md. Farooque, Md. Rauf @ Rauf Seikh, Tabrez @ Shamsh Tabrez** is hereby out rightly **rejected**.

8. Let, this order be sent to the concern court and file be consigned to the record room after return of documents/materials submitted; if any; to the parties as per provisions.

Sd/-

(RAJENDRA KUMAR SINHA)

D.A.S.J. -V, Motihari

Dated: 10-06-2026

Memo No..... dated

Copy forwarded to the Ld. Vagisha Sushan JMFC, Dhaka for information & needful.

D.A.S.J. -V, Motihari

Dated: 10-06-2026