

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31561 of 2014

Arising Out of PS.Case No. -68 Year- 2014 Thana -MEERGANJ District- GOPALGANJ

- 1. Md. Ali Son of Hasmuddin Mian
- 2. Rahmat Mian Son of Sher Mian
- 3. Safdar Ali Son of Hasmuddin Mian
- 4. Irshad Alam Son of Rahmat Mian
- 5. Johar Alam Son of Serajuddin
- 6. Shahjad @ Sahjad Son of Salim Mian
- 7. Sadam Son of Sulim Mian All resident of village- Lian Bazar, P.S.- Mirganj, Dist.- Gopalganj

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.4533 of 2015

Arising Out of PS.Case No. -68 Year- 2014 Thana -MEERGANJ District- GOPALGANJ

- 1. Shamsad Mian son of Daroga Mian resident of Village - Lion Bazar, P.S. Mirganj, District - Gopalganj.

.... Petitioner/s

Versus

- 1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.4511 of 2015

Arising Out of PS.Case No. -68 Year- 2014 Thana -MEERGANJ District- GOPALGANJ

- 1. Amrullah Mian B/o Kashim Mian
- 2. Shamsad Mian Son of Amrullah Mian
- 3. Kayamuddin Mian @ Quamuddin Mian S/o Matbar Mian
- 4. Jahangir Mian son of Mujibal Haqu All resident of village - Lion Bazar, P.S. Mirganj, District - Gopalganj

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

Appearance :
(In Cr.Misc. No.31561 of 2014)

For the Petitioner/s : Mr. Harendra Prasad
For the Opposite Party/s : Mr. Akbar Ali(App)
(In Cr.Misc. No.4533 of 2015)
For the Petitioner/s : Mr. Harendra Prasad
For the Opposite Party/s : Mr. Arun Kumar (App)
(In Cr.Misc. No.4511 of 2015)
For the Petitioner/s : Mr. Harendra Prasad
For the Opposite Party/s : Mr. Rina Sinha(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 25-03-2015

At the outset, it is submitted that petitioner nos. 1 and 2 of Cr. Misc. No. 31561 of 2014 have already been arrested, and their prayer has been dismissed vide order dated 22.12.2014.

Learned counsel for the petitioners is permitted to make necessary correction in the petition of Cr. Misc. No. 31561 of 2014, as prayed for.

Heard learned counsels for the petitioners and the State.

The petitioners, except petitioner nos. 1 and 2 of Cr. Misc. No. 31561 of 2014, are apprehending arrest in a case registered for the offences punishable under Sections 147,148,341,323,307,427,153A,298 and 379 of the Indian Penal Code.

It is alleged that the informant was called by the petitioner Md. Ali near *Majar* where the informant saw few persons of a particular community variously armed. Md. Ali asked the informant why *Abir* was thrown on the *Majar* when informant

assured him to look into the matter but subsequently the accused persons started abusing the informant and on the order of co accused Mozibul Haque, the accused persons of Muslim community assaulted the informant on head by spade, put the motorcycle of the informant on fire and robbed articles from the medicine shop and also a cash of rupees ten thousand.

It is submitted by the learned counsel for the petitioners that on the eve of Holi, *Abir* was thrown on *Majar* which led to scuffle between the two communities for which police filed Mirganj P.S. Case No. 63 of 2014 on 17.3.2014 whereas Hindu community registered Mirganj P.S. Case no. 64 of 2014, thereafter Muslim community registered Mirganj P.S. Case No. 65 of 2014 and ultimately the husband of Panchayat Mukhia filed Mirganj P.S. Case No. 68 of 2014 on 19.3.2014.

After going through the case diary, learned APP submits that a few persons received injuries.

However, considering nature of accusation against the mob, the FIR has been registered after three days of the occurrence when in the initial FIR by the police the accusation is not specific against these petitioners and statement in paragraph 3 that except the four cases registered for the same occurrence, the petitioners are not accused

in any other case, let the above named petitioners, except petitioner nos. 1 and 2 or Cr. Misc. No. 31561 of 2014, be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Gopalganj in connection with Mirganj P.S. Case No. 68 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--