

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22013 of 2015

Arising Out of PS.Case No. -10 Year- 2015 Thana -KURTHA District- JEHANABAD

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Zakir Hussain, s/o Late Usman Ghani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arshad Jameel Hashmi, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-05-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147/148/149/152/153/341/323/326/307/295/295A/298 of the Indian Penal Code and section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that while the informant and other co-villagers were carrying the idol of Maa Sarshawati for emersion then the accused persons attacked on the procession poured kerosene oil and put fire to the idol.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general and for the same occurrence Kurtha P.S. Case No. 13 of 2015 was lodged by Chaukidar but there the accusation of pouring kerosene oil and putting fire to the

idol of Maa Sarshawati has not been levelled and the informant does not belong to SC/ST category. It is further submitted that for the occurrence of 26.01.2015 at 01.30 pm., the FIR was registered on 27.01.2015 at 03.00 pm, but it reached to the court of learned Judicial Magistrate on 16.04.2015 which suggests antedating of the First Information Report. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the accusation against the mob, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Kurtha P.S. Case No.10 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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