

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46103 of 2014

Arising Out of PS.Case No. -979 Year- 2012 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

- =====
1. Md. Ashraf @ Gulam Ahmad Raza, son of Late Md. Ersak.
 2. Md. Yunus, son of Late Saheb Jaan Miyan.
 3. Md. Mahmood Alam, son of Md. Satar.
 4. Md. Murtuza, son of Late Md. Eshak.
 5. Md. Shabbir, son of Abdul Razak.
 6. Md. Idrish, son of Late Saheb Jaan Miyan.
- All resident of village-Jalapur, P.S. Patori (O.P. Mohanpur), District-
Samastipur.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioners : M/s. Aminuddin Ahmad Khan & Bijay Bhushan
Prasad, Advocates.

For the State : Mr. Dashrath Mehta, APP.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

3 07-05-2015 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
C.R. No.979 of 2012/T.R. No.2548 of 2014, registered under Sections
153-A, 295, 298, 323, 342 and 380/34 of the Indian Penal Code.

The accusation is that the mosque was constructed on the
land donated by one Bibi Zulekha Khatoon in the year 1994 by
contribution of the people. On 17.03.2004, Bibi Zulekha Khatoon
appointed the complainant as Motawalli to look after the mosque and
went to Purnea. Thereafter, the petitioners, who belong to Barailvi
concent, started to disturb the management of the said mosque and

obstructed in proper maintenance of the mosque and in teaching of the muslim children in the mosque. On 10.06.2012, when the complainant was offering prayer, the accused persons abused and assaulted him with legs, fats and fists and obstructed him from offering prayer.

Learned counsel appearing on behalf of the petitioners submits that, in fact, the petitioner no.1 is the Motawalli of the said mosque but due to ulterior motive, the complainant has filed this false complaint case because he had earlier also filed the Complaint Case No.1799 of 2009 against the petitioners in the court of the C.J.M. Samastipur, on similar facts, which was dismissed on 22.03.2010 due to non prosecution.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within four weeks, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Sanjeev Kumar, Judicial Magistrate, First Class, Samastipur, in connection with C.R. No.979 of 2012, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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