

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21848 of 2015

Arising Out of PS.Case No. -9 Year- 2015 Thana -DAWATH District- SASARAM (ROHTAS)

- =====
1. Shekh Habul Khan son of late Shekh Jamaluddin Khan
 2. Belal khan @Md. Belal Ahmad khan Son of Lallu khan
 3. S.A. khan son of Sarfaraz khan, All Resident of Village Babhnaul, PS Dawath, Disrict Rohtas.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Md. Khurshid Alam

For the Opposite Party : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 09-07-2015

Heard Mr. Khurshid Alam learned counsel for the petitioners. No one has appeared on behalf of the State.

Petitioners apprehend their arrest in connection with Dawath P.S. case no. 9 of 2015 registered under Sections 143,147,149,341,325,307,353 and 295A of the IPC.

The communal tension between the two rival groups/communities gave rise to the present case. In nut- shell the allegation is that during Sarswati puja two rival groups fought against each other. The Hindus purposely stopped the idol near the Mosque and instigated the Muslims. The three petitioners herein in retaliation are said to have thrown sand staked there. However, further allegation against the petitioner nos. 1 and 2 is

that they assaulted one person in the mob on the head with iron rod which, however, hit on the eyes.

Contention of the petitioners is that good relations have prevailed. The allegation is that on instigation the petitioners initially threw sand. Real culprit is madness for religion. They do not carry any criminal antecedent. On query, learned counsel for the petitioners is unable to state as to whether any of the co-accused cited in the FIR has since been privileged with anticipatory bail.

Considering the circumstances and the materials on record, I am not persuaded to extend the privilege of anticipatory bail to the petitioner nos. 1 and 2 namely, Shekh Habul Khan and Belal Khan alias Md. Belal Ahamd Khan respectively. Prayer on their behalf is rejected.

So far as the petitioner no.3, namely S.A. Khan is concerned, this Court is inclined to extend him the privilege of anticipatory bail. Let the petitioner no.3, namely, S.A.Khan in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class Bikramganj (Rohtas), in connection

with Dawath P.S. case no. 9 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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