

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15864 of 2016

Arising out of PS.Case No. -37 Year- 2016 Thana -KATEYA District- GOPALGANJ

1. Hazrat Mian @ Hazrat Ansari, Son of Kallu Mian.
2. Mustafa Mian, Son of Rahman Mian.
3. Rubjan Mian, Son of Akbar Mian.
4. Sahebjan Mian, Son of Akbar Mian.
5. Adalat Mian, Son of Kulla Mian.
6. Nasruli Mian, Son of Raj Mahammad.
7. Sabir Mian, Son of Mustafa Mian.
8. Saida Khatoon, Wife of Hazrat Mian. All residents of Village-Batal Chauraha, P.S.-Kateya, District-Gopalganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Ghulam Rabbani, Advocate.
For the Opposite Party : Mr. Amit Kr. Rakesh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Kateya P.S. Case No. 37 of 2016 for the offences instituted under Sections 147, 148, 149, 341, 323, 324, 337, 338, 332, 333, 307, 353, 427, 504, 506 and 120(B) of the IPC.

The prosecution story, in brief, is that on 21.02.2016 at 9.00 A.M. the informant received information that the people of Muslim Community of the Village-Maheshpur wanted to engrave the dead body in the graveyard of Batal Chauraha, but the people



of Muslim Community shall protest to engrave the dead body in graveyard. On such information, the informant informed the higher officials and alongwith the police force arrived at the place of occurrence and found both sides violent and he tried to pacify the matter and when the people of Maheshpur started digging the grave, Muslim people including the female of Village- Batapur Chauraha, who were armed with Lathi, Bhala, Farsa, Sword, bricks attacked them. In the meantime, accused Ali Hussain assaulted him in his thigh by Phatha and accused Hazrat Mian assaulted over his head by Farsa causing bleeding head injury to him and thereafter, accused Hazrat Mian gave order to his villagers to assault the police party and on which, the named accused persons and 250 unknown persons started assaulting the police party and others by means of Lathi, Bhala, Farsa, sword and bricks causing injuries to the police party and others. The accused persons committed the occurrence of breach of peace, made force in discharging the duty to the police.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent except petitioner no. 1. General and omnibus allegation has been made against the other petitioners. No specific overt act has been alleged. The alleged occurrence is said to have taken place for a petty reason. The

petitioners denied the allegations made in the FIR. The other co-accused have been granted bail by this Court vide Cr. Misc. No. 18570/2016.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the case of petitioner no. 1, Hazrat Mian @ Hazrat Ansari, against whom specific allegation has been made, I am not inclined to grant anticipatory bail to him. Same is rejected.

Anyhow, as far as petitioner nos. 2 to 8, above named, are concerned, since there is no allegation against them, let them except petitioner no. 1, Hazrat Mian @ Hazrat Ansari, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Kateya P.S. Case No. 37/2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)