

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16359 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -KATEYA District- GOPALGANJ

- =====
1. Hazrat Mian @ Hazrat Ansari Son of Kulla Mian
 2. Mustufa 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 Resident of Village-Batal Chauraha, P.S.-Kateya, District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani, Adv.

For the Opposite Party/s : Mr. Indu Bala Panday(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 09-05-2016 Heard both sides.

The petitioners (ten in number) apprehend their arrest in Kateya P.S. Case No. 38/2016, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 338, 307, 297, 504, 506, 120B of the Indian Penal Code.

The informant alleged that while he along with co-villagers were cremating the dead body of a child in a Kabristan the accused persons came there and asked them not to cremate the dead body in that Kabristan. The police officer also came, but the accused persons assaulted the police officer and others.

It is submitted that the informant and other co-villagers forcibly wanted to cremate the dead body in the graveyard situated in the village of the petitioners. Protest was made and on such scuffle took place. Hazrat Mian @ Hazrat Ansari (petitioner no. 1) is said to have assaulted the police officer with Pharsa on his head causing corresponding injuries to him. There is no specific allegation of assault against other petitioners.

Considering the aforesaid facts and the fact that petitioner no.1 Hazrat Mian @ Hazrat Ansari is alleged to have assaulted the police officer with Pharsa on the head of the police officer causing injuries, I am not inclined to enlarge petitioner no. 1 Hazrat Mian @ Hazrat Ansari on anticipatory bail. Accordingly the same is rejected.

So far as, the case of Petitioner no. 2 to petitioner no. 8 is concerned, there is no specific allegation of assault against them, petitioner no. 2 to petitioner no. 8 in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail 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 Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 38/2016,

subject to the conditions as laid down under Section 438(2) of the
Cr. P.C.

(Prabhat Kumar Jha, J.)

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