

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18043 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -BIRaul District- DARBHANGA

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1. Md. Shamshad Son of Jibachh Khan, Resident of Village - Dhakjari, P.S.
- Biraul, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Roy 1 (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Biraul P.S.Case No. 48/2016 registered for offences
punishable under Sections 147, 148, 149, 341, 323, 324, 332, 333,
353, 307, 337, 295(A), 295, 504 and 506 of the Indian Penal Code.

The prosecution case, in brief, as per F.I.R. is that on
14.02.2016 during “Visarjan” of Saraswati statue after two statues
were consigned and before consigning third statue, people of other
community armed with deadly weapons started abusing and used
words with intention to insult the religion of other community and
also damaged their statue of goddess Saraswati upon which people
of Hindu Community and other 40 to 50 unknown male and
female started throwing pieces of bricks. It is further alleged that
informant and his party attempted to separate both communities

for maintainance of harmony then petitioner, Shamshad hurled with Hansua upon the informant and he received injury in his stomach. It is further alleged that the informant informed to his superior Officers through mobile and within 40 to 45 minutes Inspector of Biraul Police Station alongwith armed force reached there and then the informant tried to maintain peace. It is further alleged that people of both the communities about 150 persons in number committed breach of peace.

It has been submitted by the learned counsel for the petitioner that there was a mob attack in which 37 persons were named accused and 40-50 were unknown persons. It has further been submitted that people of both communities, about 150 people of both communities tried to breach peace. He further submits that there was a mob attack and the specific allegation against this petitioner is giving sickle blow on the informant, which resulted in injury in the abdomen. The injury report on the said S.I. Upendra Prasad, as annexed as Annexure-3, has been found to be simple in nature and petitioner has no criminal history. He further submits that the petitioners and villagers have given an undertaking vide Annexure-A to maintain peace, harmony and brotherhood in the area.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the matter arises out of a mob attack, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Biraul P.S. Case No.48 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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