

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49991 of 2016

Arising Out of PS.Case No. -51 Year- 2016 Thana -KUCHAIKOTE District- GOPALGANJ

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Tabrez Ahmad @ Tabrez Alam Son of Mehdi Hasan, Resident of Village Mahuwa, P.S. Kuchaikot, District- Gopalganj..... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Sri Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner apprehends his arrest in connection with Kuchaikote P.S. Case No. 51 of 2016 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 427, 337, 338, 353, 153A, 295A, 120B, 504 of the Indian Penal Code.

Allegedly, at the time of Holi festival the people of Hindu community were passing through mosque celebrating Holi song but they passed the mosque peacefully and thereafter, again started Holi song, then the people of Muslim community started throwing stones and bricks on the people of Hindu community celebrating Holi and when they and Police party tried to pacify them, they did not obey them and continued the brick batting. Thereafter, the people of Hindu community also started brick batting. The Police officers and Police party tried to stop them but they attacked the



Police and tried to snatch the rifle and cartridges of Police. After arrival of Bajrawahan Force the situation became under control. Several persons of both communities were identified and they were made accused for disturbing communal harmony, attacking on the police administration and restraining the government officials in discharging their official duty.

Submission is of false implication and that for the same occurrence two other cases were also instituted, one was instituted by the persons belonging to other community and another was instituted by the petitioner's side, in the present case there is no specific allegation against the petitioner, several persons have been allowed pre-arrest bail by another co-ordinate Bench of this Court, there is no injury report on the record and as such the petitioner also deserves sympathetic consideration.

Learned APP submits that the petitioner is named in the FIR.

In the facts and circumstances stated above, considering that similarly situated co-accused have been allowed pre-arrest bail and as such the petitioner above named, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Kuchaikot P.S. Case No. 51 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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