

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18041 of 2016

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

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1. ISH MOHAMMAD MIAN @ ISH MOHAMMAD Son of Kudrat Mian,
2. Mustkim Mian @ Mustkin Mian Son of Isha Mohammad Mian,
3. Amina Khatoon, Wife of Mustkim Mian @ Mustkim Ansari,
4. Hamid Mian, Son of Gulden Mian,
5. Shakina Khatoon, Wife of Hamid Mian @ Hamid Ansari,
6. Okil Mian, Son of Jamadar Mian,
7. Nizamuddin Mian, Son of Jamadar Mian
8. Jamadar Ansari, Son of Rasul Ansari, 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, Advocate

For the Opposite Party/s : Mr. Harendra Prasad(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

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

The prosecution case, in brief, is that the informant Ishrail Mansuri along with his villagers was digging grave in the graveyard of Batapur Chauraha to engrave the dead body of his

grand-son, in the meantime a crowd of 300 male and female people variously armed came there and restrained them to bury the dead body and on the order of accused, Ali Hussain and Hazrat Mian assaulted the villagers and on intervention of police, accused Ali Hussain assaulted the S.H.O. by phata and Hazrat Ansari assaulted the S.H.O. by Farsa over his head, causing bleeding injury on him.

It has been submitted by the learned counsel for the petitioners that altogether 45 persons have been named in the F.I.R. and there was a mob of about 300 people, who had gathered at the place of occurrence. It has further been submitted that the petitioners are innocent and no specific overt act has been attributed against them. He further submits that earlier Kateya P.S.Case No. 37 of 2016 against these petitioners has also been instituted for the same occurrence under similar Sections.

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

Be that as it may, since it was a mob attack, let the petitioners, above named, in the event of their 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) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S.Case No. 38 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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