

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10196 of 2016

Arising Out of PS.Case No. -362 Year- 2015 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Islam Mian Son of Riyasat Mian,
 2. Zahoor Mian, Son of Saral Mian,
 3. Lalu Mian, Son of Saral Mian, null
 4. Safique Mian @ Lalu Mian, Son of Hanif Mian,
 5. Rafique Mian, Son of Hanif Mian,
 6. Ayub Mian, Son of Islam Mian,
 7. Saiyab Mian @ Taiyab Mian, Son of Fida Mian,
 8. Abbas Mian, Son of Kalam Mian,
 9. Chhota Mian @ Yunus Mian, Son of Hanif Mian,
 10. Qyayum Mian @ Guddu Mian, Son of Islam Mian,
 11. Harun Mian, Son of Rahim Mian,
 12. Neasar Mian @ Bablu Mian, Son of Islam Mian,
 13. Saddam Mian, Son of Shaheed Mian,
 14. Sadare Ansari, Son of Hanif Mian,
 15. Manjar Mian @ Manjoor Mian, Son of Rahman Mian,
 16. Mansoor Mian, Son of Rahman Mian,
 17. Rizwan Mian, Son of Farman Mian,
 18. Farman Mian, Son of Aarash Mian, null
 19. Hazarat Mian, Son of Rasool Mian,
 20. Aftab Mian, Son of Taiyab Mian,
 21. Safarullah Mian, Son of Saadhu Mian,
 22. Ali Hasan Mian, Son of Hasim Mian,
 23. Zakair Mian @ Zakhir Mian, Son of Hakim Mian,
 24. Hasmuddin Mian, son of Mahangu Mian,
 25. Guddu Mian, Son of Ohid Mian,
 26. Manager Mian, son of Sadan Mian,
 27. Fida Mian, Son of Junab Mian,
 28. Naushad Mian, Son of Chhota Mian,
 29. Sahzad Mian, Son of Mobarak Mian,
 30. Sadab Mian, Son of Shaheed Mian,
 31. Yunus Mian, Son of Bandhu Mian,
 32. Khudul Mian @ Kudrus Mian, Son of Wazu Mian,
 33. Ejajul Mian, Son of Hoa Mian,
 34. Farman Mian, son of Asin Mian,
 35. Jehangir Mian, Son of Rahman Mian,
 36. Naushad Mian, Son of Hasnain Mian, All residents of village -
Amethiya, P.s. - Jogapatti, Within District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.Pp)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

Special P.P. for the State.

The petitioners apprehend their arrest in connection with Jogapatti P. S. Case No. 362 of 2015 registered for offences punishable under Sections 147, 148, 149, 323, 324, 337, 338, 153A, 295, 295(A), 298, 504 and 506 of the Indian Penal Code and Sections 3 (1) (x) of the Scheduled castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The prosecution case is that the mob of the Muslim community was discharging dirty water at the worship place of Hindu community. On protest, the petitioners and other accused persons with two hundred unknown armed variously assaulted.

It has been submitted by the learned counsel for the petitioners that there was a dispute between the Hindu and Muslim community and 4 F. I. Rs. were lodged by both communities being Jogapatti P. S. Case No. 359 of 2015 lodged by the police is that the Hindu community were filling soil near the Mahabiri Jhaqa where there was water logging, which the Muslim community objected and the mob pelted stones whereas F.I.R. Jogapatti P.S. Case No. 360 of 2015 and 361 of 2015 were lodged by Islam Ansari and Husnain alleging the disturbance at the hands of the Hindu community as well as the present case lodged as Jogapatti P.S. Case No. 362 of 2015 by Hindu community.

It has been submitted that although the petitioners are named in the F.I.R. but there was a big mob and the accusation is omnibus and general against the mob. Learned counsel for the

petitioners submit that some of the accused for similar nature of offence in other P. S. case, have been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 4481/2016 vide order dated 02.02.2016. He submits that now relations between two communities have become cordial. He submits that SC/ST Act are super additions and are not applicable.

However, learned Special P.P. for the State submits that although there is no specific allegation under Section SC/ST Act but the petitioners are named in the F.I.R., hence opposes the prayer for bail.

Be that as it may, since the allegations are general and omnibus and both the communities have now established cordial relations, let the above named petitioners 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 the like amount each to the satisfaction of Learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Jogapatti P.S.Case No. 362 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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