

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27440 of 2016

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

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1. Janardhan Yadav @ Janadhan Yadav, S/o Late Adalat Yadav.
 2. Rinku Tiwari, S/o Late Shambhu Tiwari.
 3. Jhunar Tiwari, S/o Late Dharmraj Tiwari.
 4. Shyam Prakash, S/o Jaishree Bhagat.
 5. Jawahar Lal Kushwaha, S/o Late Sukhdeo Bhagat.
 6. Bindeshwari Bhagat, S/o Late Mahavir Bhagat.
 7. Ramnath Bhagat, S/o Late Sheo Narain Bhagat.
 8. Dina Nath Sharma, S/o Late Mohar Sharma.
 9. Yogendra Baitha, S/o Late Thag Baitha.
 10. Harkesh Bhagat, S/o Late Bunilal Bhagat.
 11. Brij Nath Sah, S/o Tangar Sah.
 12. Raghav Pati Kushwaha @ Raghav Pati Kushwaha, S/o Late Bunilal Bhagat.
 13. Jitendra Sah, S/o Sheo Shankar Sah.
 14. Sunil Bhagat, S/o Suresh Bhagat.
 15. Sanjay Sah, S/o Suresh Bhagat.
 16. Ramnath Sah, S/o Nathuni Sah.
 17. Jhaman Yadav, S/o Dalsingar Yadav.
 18. Ranjay Sharma @ Ranjay Kr. Sharma, S/o Kashi Nath Sharma.
 19. Ajay Manjhi, S/o Satendra Manjhi.
 20. Shatrudhan Gond, S/o Jagdish Gond.
 21. Bhola Manjhi, S/o Tufani Manjhi.
 - 22 Beni Yadav, S/o Soma Yadav. All villages - Mahuawa, P.S. Kuchaikote, District – Gopalganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pritish Ranjan, Advocate.

For the Opposite Party : Mr. Sri Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 12-07-2016 It has been submitted by learned counsel for the

petitioners that during pendency of this application, the petitioner

nos. 4 and 5, namely, Shyam Prakash and Jawahar Lal Kushwaha

@ Jawahar Lal Prasad have been arrested.

Accordingly, prayer for bail on behalf of petitioner nos. 4 and 5 above named has become infructuous and dismissed as withdrawn.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending his arrest in connection with Kuchaikot P.S. Case No. 51 of 2016 for the offences instituted under Sections 147, 148, 149, 341, 323, 324, 307, 379, 427, 337, 338, 353, 153(A), 295(A), 120(B) and 504 of the IPC.

The prosecution story, in brief, is that the informant alongwith others was on duty to maintain law and order on the occasion of *Holi* festival. It is alleged that on 24.03.2016, the people of Hindu Community were passing through Mosque celebrating *Holi* song, but they passed mosque peacefully and thereafter, again started *Holi* songs. In the meantime, the people of Muslim Community started throwing bricks and stone on the people of Hindu Community celebrating *Holi* and when he 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 policy party tried to stop them, but they attacked the police and



also tried to snatch the rifle and cartridges of police. Both communities attacked on each other with brick, stone, lathi, danda, sword and knife with intention to do away their life. Thereafter, when the S.H.O., Kuchaikot P.S. and other officer rushed near mosque to control the law and order by private Bolero, the people of Muslim Community came out from the mosque and murderous attack made by them on him and also damaged the Magazine, Bolero and took away his mobile. When the S.D.P.O. Sadar, and police officer of nearby P. S. *Brajwahan* force arrived, then the situation became under control. Several persons of both communities were identified in the occurrence and they were made accused for disturbing communal harmony, attacked on the police administration and restraining the government officials in discharging the government duty.

It has been submitted on behalf of the petitioners that relating to the same occurrence, three cases were instituted. One was instituted by the persons belonging to other community in which the petitioners were also made accused. Subsequently, they have been granted bail in the said case. The third case was instituted by the petitioners' side against the members of other community. In that also the persons made accused by the petitioners' side have been granted bail. From perusal of the

impugned order, it appears that both the communities have compromised the matter and they are leading their lives peacefully and with tranquility. The alleged occurrence is said to have taken place on the eve of Holi where at the instance of some unsocial elements. The alleged occurrence is said to have taken place.

On behalf of the State it has been submitted that though the petitioners are named in the F.I.R., but since both the communities have settled the issues among themselves and living peacefully but it is a fact that both the communities have settled the issues and living peacefully.

Considering the aforesaid facts and circumstances, let the petitioners except petitioner nos. 4 and 5, above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Kuchaikot P.S. Case No. 51/2016 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 C.J.M., Gopalganj, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)