

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30895 of 2016

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

1. Ibrahim Mian & Anr son of Muhram Mian
2. Rahim Ansari son of Ish Mohammed
All Resident of village- Batal Chauraha, P.S.-Kateya,District-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Sri Arun Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-08-2016 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 338, 307, 297, 504, 506, 120B of the Indian Penal Code.

The prosecution case is that informant Israil Mansuri along with the co-villager were digging grave in the graveyard of Batal Chauraha to engrave the dead body of his one and half years old grand-son. In the meantime, a mob of 300 male and female of Batal Chauraha



variously armed came there, restrained the informant and others to bury the dead body. The further case of the prosecution is that under the order of co-accused Ali Hussain and Hazrat Mian the accused persons assaulted the villagers and police party. When the police intervene then Ali Hussain assaulted the S.H.O. by phatha and Hazrat Ansari assaulted the S.H.O. by farsha.

It is submitted by the learned counsel for the petitioners that accusation is against the mob. The First Information Report has been lodged against 45 named and 300 unknown persons and no specific overt act has been levelled against the petitioners. For the same incident, at earlier point of time, Kateya P.S. Case No. 37 of 2016 was registered, wherein the petitioners have also been made accused. It is further submitted that petitioners have no criminal antecedent apart from these two cases lodged for the same incident.

Considering the accusation against mob, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the 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 conditions as laid

down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

P.K./-

U		T	
---	--	---	--

