

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30274 of 2016

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

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1. KAMRAN @KAMRUN son of Hasnain
2. Hasnain Ali son of Tufani Mian
3. Mustak Ali son of Tufani Mian @ Mustafa
4. Rustam Khan son of Habib Khan
5. Jahid Ali son of Aash mohammad
6. Chhoutu Alam @Minhaz son of Sk. Bahal Mian
7. Bablu Mian son of Nurain Mian
8. Hasim Ansari son of bom Ansari
9. Mithun Mian son of Islam Mian
10. Ali Haider son of Abid Hussain All are residents of village Mahuawa
P.S. Kuchaikot, District-Gopalganj Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Satyendra Narayan Singh APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 09-09-2016 It is submitted that petitioner No.4, Rustam Khan, has already died. Accordingly, prayer for anticipatory bail of petitioner No.4 is dismissed as has become infructuous.

Heard both sides.

The petitioners Nos. 1. Kamran @ Kamrun, 2. Hasnain Ali, 3. Mustak Ali, 5. Jahid Ali, 6. Chhotu Alam @ Minhaz, 7. Bablu Mian, 8. Hasim Ansari, 9. Mithun Mian and 10. Ali Haider apprehend their arrest in Kuchaikote P.S. case No. 51 of 2016 under Section 307, 353, 153A, 295A and other Sections of the Indian Penal Code.

The learned counsel for the petitioners submits that for the same occurrence three cases were filed. The present case being Kuchaikote P.S. case No. 51 of 2016 was filed by the Block

Development Officer. Kuchaikote P.S. case No. 49 of 2016 was filed by Jawahar Lal Prasad and Kuchaikote P.S. case No. 50 of 2016 was filed by Mustafa. In almost all the three cases there is same and similar allegation that while villagers were going to celebrate Holi and reached near a mosque the Muslim community started pelting stones. It is submitted that no specific allegation is made against the petitioners and similarly situated 35 accused persons have already been granted anticipatory bail vide order passed in Cr. Misc. No. 27440 of 2016 and 29780 of 2016.

Considering the facts aforesaid and the nature of allegations made against the petitioners, the above named petitioners Nos. 1 to 3 and 5 to 10, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing 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 Kuchaikote P.S. Case No. 51 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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