

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38727 of 2016

Arising Out of PS.Case No. -263 Year- 2015 Thana -HUSAINGANJ District- SIWAN

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Bidya Bhagat Son of Musafir Bhagat Resident of Village - Hathauri Tola
Ram Nagar, P.S. Hussainganj, District Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

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

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

2 23-09-2016

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Hussainganj P.S. Case No. 263 of 2015 registered under Sections 147, 148, 149, 332, 188, 353, 295A and 298 of the Indian Penal Code.

The accusation is that on 13.09.2015, petitioner, being the Officer-in-Charge of Hussainganj Police Station was deputed with Executive Magistrate to maintain the law and order for passing over the procession of Mahavir Akhara peacefully in village Chhata. While Mahavir Akhara of village Chhata passed over in front of the mosque, but the song was being played on the vehicle creating communal harmony, which was being operated by Niraj Sah and Pappu Sah of village Chhapia. The Muslim

Community raised objection on song. Anyhow, the matter was pacified. Again at about 6:15 pm. three others Mahavir Akhara started to passing over to the front of the mosque at the time of *Nawaze* then petitioner and Manoj Thakur along with 700 unknown supporters started to create nuisance with the Police Party and tried to disturb the communal harmony.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that petitioner and one Manoj Thakur along with 700 unknown were in procession of Mahavir Akhara on the lane, where the mosque was situated. It is further submitted that no specific overt act has been attributed against the petitioner.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Siwan in connection with Hussainganj P.S. Case No. 263 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J)

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