

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46764 of 2016

Arising Out of PS.Case No. -94 Year- 2016 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Samsul Joha son of Idris Ansari, Resident of village- manna, P.S.- Ramgarhwa, District- East Champaran.
 2. Farmullah Mian, son of Late Kamru Mian, Resident of village- manna, P.S.- Ramgarhwa, District- East Champaran.
 3. Manoj Kushwaha, son of Baijnath Mahto, Resident of Village- manna, P.s.- Ramgarhwa, District-East Champaran.
 4. Prahlad Manji, Son of Late Bhikhari Dhangar, Resident of Village- Musahari, P.S.- Ramgarhwa, District- East Champaran.
 5. Jainul Haque, son of Muzamil Hussain, Resident of village-Champapur, P.s.- Ramgarhwa, District- East champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ansul, Advocate.

Mr. Anuj Kumar, Advocate.

For the Opposite Party : Mr. Damodar Prasad Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-12-2016 Heard both sides.

The petitioners apprehend their arrest in Ramgarhwa P.S. Case No. 94 of 2016 registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

Arvind Singh, the programme officer, alleged that while he went to inspect the works Samsul Joha, the husband of Mukhiya Jayda Khatoon, gathered different persons and pressurized him to give the report forthwith. When the informant tried to persuade the accused persons that he would submit the



report through proper channel in the government, on the instigation of Samsul Joha, Samsul Joha and many other persons assaulted the informant.

Sri Ansul, learned counsel for the petitioners submits that petitioner no. 1 is Samsul Joha, the husband of Mukhiya Jayda Khatoon and petitioner no. 2 to 5 are the villagers. No specific allegation of assault is made against the villagers. It is further submitted that the informant has got chequered history and from perusal of Annexure - 3, 5 and 6 it would appear that different villagers also lodged case against the informant Arvind Singh, the programme officer. Similarly situated co-accused Jiyaul Haque @ Md. Jiyaul Haque and four others have already been granted anticipatory bail vide order dated 14.12.2016 passed in Cr. Misc. No. 53097 of 2016.

Considering the facts aforesaid and the fact that no specific allegation is made against petitioner no. 2 Farmullah Mian, petitioner no. 3 Manoj Kushwaha, petitioner no. 4 Prahalad Manjhi and petitioner no. 5 Jainul Haque and their case stands on the same footing as that of other accused persons who have been granted anticipatory bail in Cr. Misc. No. 53097 of 2016, accordingly, the petitioner no. 2 Farmullah Mian, petitioner no. 3 Manoj Kushwaha, petitioner no. 4 Prahalad Manjhi and petitioner



no. 5 Jainul Haque, in the event of their arrest or surrender before the 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 Chief Judicial Magistrate, East Champaran at Motihari in Ramgarhwa P.S. Case No. 94 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far as the case of Samsul Joha, petitioner no. 1 is concerned his case stands on different footing he is the husband of the Mukhiya Jayda Khatoon and it was he who gathered large number of villagers and at his instigation they humiliated and assaulted a government official, hence I am not inclined to enlarge Samsul Joha, petitioner no. 1 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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