

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47276 of 2017

Arising Out of PS.Case No. -93 Year- 2017 Thana -GWALPARA District- MADHEPURA

- =====
1. Md. Raish, son of Late Ajmat
 2. Md. Naeem, son of Late Ajmat
- Both resident of village Nauhar, Ward No. 11, P.S. Gwalpara, District Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-10-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Gwalpara P.S.
Case No. 93/2017 for offences punishable under Sections
153(A)/295, 295(A)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, who
is the priest of Kali Temple, is that petitioners along with one
other entered the temple and petitioner no. 1 broke the tongue of
Maa Kali and kept the same in his pocket. While fleeing away he
was arrested and from his pocket tongue of Maa Kali was
recovered.

It has been submitted by the learned counsel for the
petitioners that they are full brothers, bear no criminal history and



petitioner no.1 is of unsound mind as he is abnormal and confined in the house by tying with rope, but managed to escape. He submits that petitioner no. 1 had no intention of arousing the religious sentiment of a particular community and it is because of his unsound mind that such incident took place. He further submits that another co-accused, who was along with the petitioner, has been granted privilege of bail by this Court in Cr. Misc. No. 39885 of 2017 on 31.08.2017 and the petitioners are languishing in judicial custody since 08.07.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Uda-Kishunganj, Madhepura, in connection with Gwalpara P.S. Case No. 93 of 2017.

(Nilu Agrawal, J)

Rajesh/-

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