

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11423 of 2017

Arising Out of PS.Case No. -288 Year- 2016 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Rajesh Tiwari, Son of Late Uma Kant Tiwari.
 2. Atikullah @ Atique, Son of Zasmuddin. null
 3. Samiullah, Son of Zasmuddin.
 4. Phool Balu @ Phool Babu, Son of Late Maulazim Hussain.
 5. Oli Alam, Son of Late Sk. Rafique.
 6. Kunkun Choudhari @ Kumkum Choudhary, Son of Late Khelawan Choudhari.
 7. Md. Kalimullah @ Kalimullah Son, of Zasmuddin.
 8. Devendra Tiwari, Son of Late Ram Pukar Tiwari. All are Resident of Village- Jamua, Police Station- Dhaka, District- East Champaran.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Anil Kumar, Advocate

For the Opposite Party : Mr. Sri Atul Chandra (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-03-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection with Dhaka P.S. Case No. 288 of 2016, registered for the offences punishable under Sections 147, 148, 149, 353, 337, 338, 307, 323, 153(A), 295(A) of the Indian Penal Code.

Allegedly, on the occasion of Durga Puja, a loudspeaker was installed by Nav Yuvak Durga Puja Samiti in the house of one Radhe Krishna Chaudhary, which was protested by



the Muslim Community. Thereafter several persons under the leadership of Ex-Mukhiya, namely Anishu Rehman arrived there and made protest and caused disturbance and altercation took place between both the communities. The police arrived on the information, thereafter brick batting started by both the communities and some were injured, but due to intervention of the police, the situation was controlled.

Submission is of false implication and that there is general and omnibus allegation, there is no specific allegation that anybody got any injury and any damage to the property has been caused. In this case Dinesh Jha and 35 others have already been allowed pre-arrest bail by another coordinate Bench of this Court vide Cr. Misc. No. 1804 of 2017 and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. fairly submits that Dinesh Jha and 35 others have been allowed pre-arrest bail.

In the facts and circumstances as stated above, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released 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 Sub-Divisional Judicial Magistrate,



Sikrahana at Dhaka, District - East Champaran, in connection with
Dhaka P.S. Case No. 288 of 2016, subject to the conditions as laid
down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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