

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45760 of 2016

Arising Out of PS.Case No. -381 Year- 2015 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Mukesh Kumar @ Mukesh Prasad S/o Lakshman Prasad R/o Village
Machhargawa, P.S.- Yogapatti, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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

ORAL ORDER

3 12-01-2017 Heard both sides.

The petitioner apprehends his arrest in Yogapatti P.S.
case No. 381 of 2015 under Section 436, 295A, 435 and other
Sections of the Indian Penal Code.

The informant, Circle Officer of Yogapatti block,
alleged that he got information that members of the Hindu
community set ablaze the mosque of the Muslim community. On
enquiry, he came to know that petitioner and others actively
participated in the rioting.

The learned counsel for the petitioner submits that for
the same occurrence Yogapatti P.S. case No. 380 of 2015 was
registered in which the petitioner is not made an accused. The



Circle Officer is not an eye witness of the occurrence and from whom he came to know has not been stated in the FIR. There is omnibus and general allegation that members of the Hindu community set ablaze thatched mosque of Muslim community.

Considering the facts aforesaid and the nature of allegations made against the petitioner and the fact that for the same occurrence Yogapatti P.S case No. 380 of 2015 was lodged by the Muslim community in which petitioner is not named in the FIR, the above named petitioner, in the event of his 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, is 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, West Champaran at Bettiah in Yogapatti P.S. Case No. 381 of 2015, 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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