

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37707 of 2018

- =====
1. Wali Alam Ansari @ Weli Alam Ansari @ Woli Alam Ansari Son of Late Rasheed Ansari
 2. Manjoor Alam @ Manjoor Ansari son of Late Bachchu Mian
 3. Aklu Mian son of Maneger Mian
 4. Babu Hussain Mian @ Babu Hussain Son of Fayem Mian
 5. Kari Mian @ Firoz Mian son of Basheer Mian
 6. Firoj Mian @ Firoz Mian Elakat Mian
 7. Sk. Hazrat son of Late Sharif Mian
 8. Zakir Dhobi son of Late Idu Mian All resident of village Manjhariya Sheikh, Post Office + Police Station- Majhauria, District- West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 02-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 188, 341, 323, 353, 504 and 506 of the Indian Penal Code.

The prosecution case as per the self statement of Om Prakash Chauhan, Station House Officer of Majhauria P.S. Camp Majharia Sheikh recorded on 16.03.2017



at 20.00 P.M. is to the effect that the informant received an information on 16.03.2017 at 11.30 A.M. that there is some dispute between Shatrughan Prasad and Sheikh Hazrat with regard to the measurement of the land in spite of grant of injunction by the Court since land in question is situated near the mosque. Hence, apprehending some communal disturbances the informant reached near the place of occurrence and found that both sides were trying to pacify the issue. In the meantime, all of sudden Manjoor Ansari, Krishna Prasad and others started fighting and in support of both of them, others also came and they also misbehaved with the police personnel.

It is submitted by learned counsel for the petitioners that even assuming the accusation, offence under Section 353 of the I.P.C. is not made out. The accusation has been levelled against the mob and similarly situated eight co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 27447 of 2018. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the petitioners are named in the FIR.

Considering the accusation against the mob



and other similarly situated co-accused persons have been granted anticipatory bail coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhaulia P.S. Case No. 89 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

