

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20464 of 2018

Arising Out of PS. Case No.-12 Year-2018 Thana- MAHKAR District- Gaya

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1. Shadab Ali Son of Shahid Ali
 2. Savi Ali Son of Shahid Ali
 3. Keyam Ansari Son of Islam Ansari @ Md. Islam Ansari.
 4. Isleyaque Ansari Son of Chamru Ansari
 5. Sarik Ansari Son of Sarfaraj Ansari
 6. Tamanna Alam @ Tamanna Son of Ainul Ansari
 7. Aslam Ansari @ Aslam Alam Son of Amin Ansari
 8. Aftab Ansari @ Md. Aftab Son of Late Kamruddin Ansari
 9. Md. Mahtab Ansari @ Mahtab Ansari Son of Mustaque Ansari
 10. Sadique Ali @ Sadique Farooque Son of Sahid Ali
 11. Abdul Rashid Son of Habibur Rahman
 12. Md. Ehsan Alam @ Md. Ehsan @ Ehsan Alam Son of Hasnain Ansari @ Md. Yasin
 13. Naiyar Alam @ Md. Ezaz Alam Son of Abdul Rashid
 14. Md. Alamgir Ansari @ Md. Alam @ Md. Alam Ansari Son of late Maqsood Ansari.
 15. Afroz Alam @ Afroz Son of Abdul Rashid @ Rasid
 16. Usman Ansari @ Md. Usman Ansari Son of Asgar Ansari
 17. Faiyaz Ansari @ Faiyaz Son of Khurshid Ansari
 18. Salam Ansari @ Islam Ansari Son of Hakhru Ansari All are Resident of Village-Sapneri Tola Makhdumpur, P.S. Mahkar, District-Gaya ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Sheikh Arkan Ahmad, Adv.
For the Opposite Party : Mr. Shailendra Kumar -2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2018 As prayed for, learned counsel for the petitioners is permitted to make necessary correction in paragraph 9 of the petition.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in connection with Mahkar P.S. Case No. 12 of 2018 for offences punishable under Sections 149, 504, 323, 325, 427, 153A, 295A



and 307 of the Indian Penal Code.

The prosecution case as per the written report of Sudhir Kumar submitted to the Station House Officer, Mahkar Police Station, Gaya, on 25.01.2018 at 01.30 P.M., to the effect that on 24.01.2018 at 03.00 P.M. a procession was going on to immerse the idol of Goddess Sarswati, when 35 persons from the muslim community broke the idol of Goddess Sarswati and made assault on the processionists and when the people gathered from the surrounding area the accused persons fled away.

It is submitted by the learned counsel for the petitioners that the First Information Report lodged against 35 persons, including the petitioners. The allegation is omnibus and general. The occurrence took place on 24.01.2018 at 01.30 P.M. and same reached to the learned Chief Judicial Magistrate on 27.02.2018, which suggests the antedating of the First Information Report. There is counter version as Mahkar P.S. Case No. 13 of 2018 lodged against the informant's side with accusation under Sections 147, 148, 149, 504, 506, 323, 325, 447, 153A, 295A and 307 of the Indian Penal Code. A statement has been made in paragraph 3 of the petition that the petitioners are not having criminal antecedent.



Considering the accusation against the mob and there is no allegation against the petitioners coupled with the fact that the petitioners are not having criminal antecedent, the prayer of the petitioner for grant of anticipatory bail is allowed, in the event of surrender/arrest of the petitioners, named above, before the Court below, within four weeks from today in connection with Mahkar P.S. Case No. 12 of 2018. They shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, IX, Gaya, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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