

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27164 of 2018

Arising Out of PS. Case No.-101 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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Md. Shahnawaj @ Sallu Khan, S/o-Motiurrahman, Resident of Mohalla-
Pathan Toli, P.S.-Aurangabad (Town), District-Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-05-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 337, 323, 435, 436, 427, 307, 332, 333, 353, 153A, 295A, 379 and 120B of the IPC.

The prosecution case, as per the written report of Om Prakash Gupta, being the Plants Preservation Inspector, dated 30.03.2018, submitted to the Police Inspector-cum-Station House Officer, Aurangabad Town Police Station is to the effect that on the eve of Ram Nawmi festival, the informant was deputed as Magistrate on 25.03.2018 at Aurangabad Gate School Stadium. Due to pelting of stones by the people of Muslim Community on the Ramnavmi procession and



subsequent arson on 25.03.2018, the District Magistrate convened a meeting of the local people and Superintendent of Police, Aurangabad. A decision was taken in the meeting to allow the procession of Ramnavmi to be taken out on 26.03.2018. In the procession, people were armed with sword, farsa and lathi, but at 1.30 PM, when the procession reached near old G.T. road, people from Muslim community pelted stones, both sides raised slogans against each other and set the vehicles and shops on fire. In the meantime, 68 persons, who were indulged in arson, were identified, subsequently, local persons suggested the name of 21 named persons and 100 unknown persons, leading to registration of Aurangabad Town P.S. Case No. 95 of 2018, for the offences punishable under Sections 147, 148, 149, 337, 323, 324, 435, 436, 427, 307, 332, 333, 353, 360, 295A and 120B of the IPC and Section 27 of the Arms Act. During enquiry, it was found that shops of Md. Sharwan Khan, Md. Alam and Margub Alam were robbed and set on fire. Subsequently, during enquiry from local people, 48 accused persons were identified. The petitioner is named in the present FIR.

It is submitted by learned counsel for the petitioner that at the initial stage, in the cases lodged, the petitioner was not



named in the FIR, however, the petitioner is named in Aurangabad Town P.S. Case Nos. 122 of 2007, 180 of 2010, 134 of 2014 and 88 of 2018, but in all cases, he is on bail, whereas he has been made accused in five other cases subsequent thereof, but all the subsequent cases have been lodged for the same incident, which occurred on 25/26.03.2018. There is no explanation for delayed lodging of the case and it appears that mechanically the criminal cases were lodged by the police official in order to save their own skin. Even assuming the accusation, no offences, either under Sections 307, 295A and 353 of the IPC or under Section 27 of the Arms Act is made out against the petitioner.

Learned APP submits that the petitioner is named in several cases, however, he concedes that all the cases have been lodged against the mob for the incident occurred on 25/26.03.2018.

Considering the accusation against the mob, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM,



Aurangabad in connection with Aurangabad Town P .S. Case
No. 101 of 2018, subject to the condition as laid down under
Section 438(2) of the Cr. P.C.

The provisional bail of the petitioner will be confirmed by
the learned Court on getting a report from the concerned police
station about the good conduct of the petitioner.

(Dinesh Kumar Singh, J)

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