

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1873 of 2018

Arising Out of PS. Case No.-376 Year-2017 Thana- BARAUNI District- Begusarai

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1. MD. RIZWAN son of late Md. Nizamuddin
 2. Md Emaduddin @ Md. Imaduddin son of late Md Nizamuddin
- Both residents of village - Ninga, P.S. - Barauni, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad

For the Opposite Party/s : Mr. SMT. ASHA DEVI

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 188 and 153(A) of the IPC.

The prosecution case as per the written report of Rajesh Kumar, Block Statistical Officer, Barauni submitted to the Officer-in-charge of Barauni Police Station is to the effect that the informant was deputed on 1.2.2017 as Magistrate at Ninga Baluara to monitor the Muharram procession. When the procession reached near the house of Ram Pravesh Pandit, the miscreants cut away the papaya tree, as a result, altercation took place between Hindu and Muslim communities, leading to registration of FIR against 19 named accused persons including



the petitioners.

It is submitted by learned counsel for the petitioners that the accusation is not specific against the petitioners, and since the administration failed to maintain law and order, maliciously lodged the present case in order to save their own skin. It is further submitted that for the same incident of cutting papaya tree, Ram Pravesh Pandit lodged Barauni P.S. Case No. 374 of 2017 on 1.10.2017 under sections 147, 148, 149, 448, 427, 323, 504, 153(A) and 379 of the IPC, wherein the petitioners have not been named. 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 and other accused persons tried to vitiate communal harmony in the area.

Considering the omnibus and general accusation levelled against the petitioners and others, statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, coupled with the fact that affected person Ram Pravesh Pandit lodged FIR for the same incident, wherein the petitioners are not named, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender



within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Begusarai in connection with Barauni P.S. Case No.376 of 2017, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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