

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74607 of 2018

Arising Out of PS. Case No.-158 Year-2018 Thana- KUTUMBA District- Aurangabad

1. Md. Mumtaz S/o Late Ishaque
2. Sallauddin S/o Mokhtar Ahmad
3. Md. Attaullah S/o Late Rohad Hussain
4. Gulam Sarwar @ Md. Gulam Sarwar S/o Jubair Ansari
5. Shamsheer Alam S/o Late Abdul Mojid All are Resident of Village-Sonarkhap, P.S. Kutumba, Distt.-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Mr. Abhay Kumar - 1

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Kutumba P.S. Case No. 158 of 2018 instituted for the offence under Section(s)147/148/149/341/323/332/333/ 337/338/307/353/153-A/504/506 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for petitioners submits that petitioners are only alleged to be member of unlawful assembly having no criminal antecedent.



The informant, who is sub Inspector of police has alleged in the written report that one person, namely, Reyast Husain R/o village Sonarkhap had died and his dead body was brought to graveyard. Since the graveyard was under dispute between the people of Hindu Community and Muslim community, the informant along with police force went there to maintain law and order. In the meantime, 3-4 persons came near graveyard and started digging the graveyard. Thereafter, 300-400 persons came at graveyard with dead body and put the dead body in front of gate of Surya Mandir and began to perform post death Namaz. Thereafter, altercation took place between both the community.

Learned counsel for petitioners submits that one of the co-accused of this case has already been granted regular bail by co-ordinate Bench of this Court by order dated 29.11.2018 passed in Cr. Misc. no. 69418 of 2018.

Petitioners are in custody since 11/9/2018. There is general and omnibus allegation against this petitioner.

Considering the aforesaid, let the petitioners, above named, be released on bail 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 Chief Judicial



Magistrate, Aurangabad in connection with Kutumba P.S. Case
No. 158 of 2018, subject to the condition that both the bailers
shall be the close relative of the petitioners.

(Sanjay Priya, J)

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