

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1989 of 2018

Arising Out of PS. Case No.-117 Year-2017 Thana- PHULWARIA District- Begusarai

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1. Md. Fakre Alam @ Md. Fakra Alam, Son of Md. Zahir,
 2. Md. Ghani, Son of Md. Zahridin,
 3. Md. Lalbeg @ Md. Lalbabu @ Md. Lalbag @ Lal Bag @ Lal Babu, Son of Md. Sallu,
- All residents of Village- Baro Dakshini, P.S. Phulwaria, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147/148/149/153A/353A/295A/332/327/337/427 of the Indian Penal Code and Sections 3/4 of the Explosive Substances Act.

The prosecution case as per the self statement of Vivek Bharti, Sub-Inspector of Police, dated 03.10.2017 at 5.00 P.M. at Village-Baro Phulo Chak Phulwaria is to the effect that on the occasion of Muharram, the informant along with the police party and Circle Officer, Teghra were managing the procession of Muharram, when the procession reached near the



grocery shop of Navin Kumar at Quadirchak, then 400-500 processionists started delivering provocative speeches targeting the Hindu community. The informant tried to pacify the matter, but the processionists started damaging the house of the local people and explosive was also used for damaging the shop of Dayanand Poddar and Brajesh Kumar. It is also alleged that due to pelting of the bricks the house of Dhaneshwar Thakur and tea shop of Ashok Yadav got damaged, leading to registration of FIR against 47 named and 500 unknown persons.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. Moreover, the persons whose shops/houses got damaged have neither named the petitioners, nor their statement has been recorded under Section 161 of the Code of Criminal Procedure. For the occurrence of 03.10.2017 at 05.00 PM, the FIR was registered on 04.10.2017 at 10.00 A.M. It is further submitted that no witness has come to support the prosecution case. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners have not only spoiled the social atmosphere, but also damaged the house/shop of the several persons.



Considering the nature of accusation against the mob coupled with statement made in paragraph no.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 12 weeks from today, 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 Judicial Magistrate, 1st Class, Begusarai, in connection with Phulwaria P.S. Case No. 117 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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