

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4415 of 2018

Arising Out of PS.Case No. -307 Year- 2017 Thana -JOKIHAT District- ARRARIA

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1. Shams Rabbani, son of Daud, resident of Village- Rahi Tola, Sisauna,
P.S.- Jokihat, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Sri Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2018

Heard the learned counsels for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Jokihat P.S. Case No. 307/2017 dated 02.10.2017 instituted for the offences under Sections 144, 188, 283, 290, 447, 323, 353, 153(A), (B), 295(A), 307, 427, 504 and 120(B) of the Indian Penal Code.

The petitioner and 17 others, who have been named in the F.I.R., as well as around 200 unnamed accused persons are said to have entered into the temple premises and created disturbance for the general people, while taking out procession for Muharram.

Learned counsel for the petitioner has submitted that merely because he happens to be a member of a particular



community, he has been made accused in this case. It has also been submitted that the informant or other witnesses have not claimed to identify any one of the accused persons, much-less the petitioner entering the temple premises and indulging in vandalism. The accusations primarily have been levelled against the accused persons because of their being licensees for holding Muharram procession. The petitioner is not even a licensee and has been made accused in this case because of extraneous considerations.

The petition bears clean antecedent.

Considering the general nature of allegation against all the accused persons, he is directed to be released on bail, in the event of his surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 307/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J.)

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