

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30672 of 2018

Arising Out of PS. Case No.-685 Year-2017 Thana- HAJIPUR District- Vaishali

1. Bablu Mian @ Md. Bablu @ Md. Manshur, son of late Saheb Mian
2. Md. Aman, son of Md. Aslam
Both are resident of Village-Chhoti Madai, P.S.-Hajipur Town, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rina Sinha, Adv.
For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-05-2018 Heard learned counsel 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, 153(A), 186, 307, 353, 427 and 505 of the IPC.

The prosecution case, as per the self statement of Sunil Kumar, Inspector of Police-cum-S.H.O., Hajipur Town Police Station recorded on 03.10.2017 at 8 AM is to the effect that on 01.10.2017 at 5 AM during immersion of idol of goddess Durga and Tajiya procession on the eve of Moharram festival, the informant reached at Chauhatta round about, when he received information that provocative speech was being delivered on a loudspeaker at the Marayi round about. Consequently, the



informant reached on the spot and found that people from Hindu Community were instigating the people of Muslim Community through provocative speeches on loudspeaker. 15 persons were identified, however, the mob consisted of more than hundred unknown persons armed with sword and lathi. The mob started moving towards Marahi Chawk where people from Muslim community had assembled, out of which some persons of Muslim community were identified, however, the mob was consisting more than 100 unidentified persons armed with sword. When the informant tried to pacify the mob, then the mob attacked the police force and thereby obstructed the police force in discharging their official duty.

It is submitted by learned counsel for the petitioners that for the occurrence of 01.10.2017 at 5 PM, self statement was recorded on 03.10.2017 at 10 AM, which clouds the genesis of the accusation. The accusation is against the mob. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent. Moreover, similarly situated accused persons have been granted privilege of anticipatory bail, by a co-ordinate Bench of this Court, vide Cr. Misc. No. 25177 of 2018.

Learned APP submits that the petitioners are named in the



FIR.

Considering the accusation against the mob and 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 685 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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