

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61992 of 2018

Arising Out of PS.Case No. -258 Year- 2017 Thana -PIRO District- BHOJPUR

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1. Manjar @ Shekh Manjar, Son of Shekh Navi,
 2. Itehaq Khan @ Istiaq Khan, Son of Kamal Khan @ Kalamuddin.
 3. Abdul Gaphur, Son of Sahjada Hajam,
 4. Ekaram Raien, Son of Lt Sham Mohamad,
 5. Md. Imteaj @ Raj Ali, Son of Mohamad Jilani All 5 are resident of Village- Piro Gav, P.S. Piro, District- Bhojpur.
 6. Guddu @ Anwarul Haq, son of Samser Ajad,
 7. Mainuddin Hajam, son of Sarfuddin Hajam,
 8. Md. Pachchu @ Murgawala, son of Shekh Nasarudin All 3 are resident of Village- Piro Gav, P.S. Piro, District- Bhojpur.
 9. Mobin Khan, son of Manan Khan, resident of Village- Mari Masjid Piro Gav, P.S. Piro, District Bhojpur
 10. Md. Jilan @ Md. Jamil, son of Akbar Miya, resident of Village- Bhagat Market, Piro P.S. District Bhojpur.
 11. Manjur Hajam, son of Jamir @ Saphiq Hajam, resident of Village- Bhagalpur near Ashok Cinema, P.S. Piro, District Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 06-10-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 120B, 295A, 153A, 188, 353, 307, 323, 341, 504, 506, 379, 436, 427 of the Indian Penal Code and Section 27 of the Arms Act.



The prosecution case, as per the self statement of Jai Prakash, being the Inspector-cum-SHO, Piro Police Station is to the effect that one Harijee Tiwary associated with Bharat Vikash Manch, was spreading anti social message by posting the same in the Whatsapp group and when he was forbaded from doing so, the persons associated with his organization including the petitioners assembled near the Pitaldevi temple on the eve of Muhharam procession on 01.10.2017, when the people of Muslim community variously armed attacked the Pitandevi temple, as a result, stones were pelted from both the sides. The people of Muslim community also damaged the building of the said temple, robbed the shops and resorted to fire. The photographers deputed on behalf of the government took certain photographs of the incident, on the basis of which, FIR was lodged against 62 named persons including the petitioners and 500-600 unknown persons.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. The petitioners have been named in the FIR only on the basis of suspicion, since there was some dispute between two communities and in the said background, the occurrence took place. A statement has been made in paragraph 3 of the petition



that the petitioners are having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that accusation is omnibus and general against the mob and several co-accused persons have been granted anticipatory bail by different co-ordinate Benches of this Court, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Bhojpur at Ara in connection with Piro P.S. Case No. 258 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below will be at liberty to cancel the bail bonds of the petitioners, if they substantially get involved in similar nature of offence or if they failed to co-operate during investigation.

(Dinesh Kumar Singh, J)

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