

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17762 of 2019

Arising Out of PS. Case No.-246 Year-2018 Thana- THawe District- Gopalganj

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1. SATYA PRAKASH SINGH @ SAT PRAKASH SINGH(male), aged about 32 years, Son of Late Triloki Singh
 2. Chintu Singh(male), aged about 38 years, Son of Late Brajbhukhal Singh
 3. Gajadhar Singh(male), aged about 35 years, Son of Sri Patai Singh
 4. Nagendra Singh(male), aged about 48 years, Son of Sri Amarjit Singh
 5. Ravi Bhushan Singh(male), aged about 45 years, Son of Late Baijnath Singh
 6. Pappu Singh(male), aged about 42 years, Son of Late Lal Babu Singh
 7. Sriram Singh(male), aged about 20 years, Son of Patai Singh
 8. Ujjawal Singh(male), aged about 20 years, Son of Nagendra Singh
All resident of village and P.O-Chatiwana, P.S-Thawe, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-03-2019 Heard learned counsel for the petitioners, learned A.P.P. and learned counsel for the informant who filed power today in Court itself.

The petitioners apprehend their arrest in Thawe P.S. Case No.246 of 2018 registered under Section 307 and other Sections of the Indian Penal Code.

The informant in sum and substance alleged that while he was constructing masjid on his own land, the members of Hindu community came and assaulted the informant and



others. The mob set ablaze the hut and also damaged the construction of masjid. They took away Rs.1,00,000/- from the premises of masjid.

The learned counsel for the petitioners submits that of course the petitioners are named in the F.I.R. but the informant did not make any specific allegation against the petitioners. Learned Sessions Judge after perusing the case diary found that no person was injured. No evidence of burning was found on the place of occurrence. The place of occurrence, where the occurrence is said to have taken place, is not ascertained as religious place. Nobody came forward to say that he got any injury at the hands of any of the accused. It is submitted that on same and similar allegation, Thawe P.S. Case No.245 of 2018 was registered on the written statement of the Circle Officer and the petitioners have already been granted anticipatory bail in the aforesaid case. It is further submitted that land on which the informant wanted to construct masjid is a disputed one for which Title Suit No.800 of 2018 is pending between Jaleshwar Lal v. Khusboo Nesha and the Court ordered for maintaining status quo with regard to the disputed land but the informant wanted to make construction which was protested by the villagers. The petitioners are mere spectators.



On the other hand, learned counsel for the informant and learned A.P.P. vehemently opposed the prayer for anticipatory bail.

Having considered the facts that of course the petitioners are named in the F.I.R. but no specific allegation is made against the petitioners and the learned Sessions Judge found that no person got injury nor any religious place was ascertained at the place of occurrence, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No.246 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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