

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43188 of 2019

Arising Out of PS. Case No.-534 Year-2018 Thana- MUFFASIL District- West Champaran

1. BIPIN PRASAD Son of Late Ramanand Prasad Resident of Village - Bari Tola, P.S.- Bettiah Muffasil, District - West Champaran.
2. Chandan Kumar Son of Sri Bipin Prasad Resident of Village - Bari Tola, P.S.- Bettiah Muffasil, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 12-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bettiah Muffasil P.S. Case No.534 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 332, 353, 307 and 354-B of the Indian Penal Code.

The accusation is that in the evening of 21.09.2018, the informant was going to his house for celebrating the festival of “Muharram” from Bettiah Railway Station Chowk. In the way, when the informant reached near the house of Laldeo Yadav, then saw that Laldeo Yadav and his family members were pelting bricks and stones at the ladies of the family of his



villager Gyasuddin Mian, due to which the informant became afraid. In the meantime, Sanjay Bari, the resident of village-Bari Tola, caught hold the informant from the back and raised alarm to kill, whereupon 33 villagers of the informant, named in the F.I.R., including the petitioners under conspiracy caused injury to the informant, Suhada Khatoon, Sawa Khatoon, Sabnam Khatoon, Hadish Mian and Taufique Mian through the pieces of bricks and stones. In that course Sanjay Bari caused injury at the testicle of the informant through the piece of brick. Thereafter, after entering into the house of Gyasuddin Mian, all with a bad intention started to tear the saree and blouse of the ladies of the family of Gyasuddin.

Learned counsel for the petitioners submits that due to highhandedness of the Muslim community, the occurrence of “Maar-Peet” took place in between both communities in which both communities sustained injury regarding which on the basis of the written report of the co-accused Laldeo Yadav, Bettiah Muffasil P.S. Case No.515 of 2018 was instituted against the informant of the present case and 22 others along with 300 unknown. Moreover, while the petitioners are named in the F.I.R but no specific overt act is attributed to them. The petitioners have no criminal antecedents.



Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Bettiah Muffasil P.S. Case No.534 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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