

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81114 of 2019

Arising Out of PS. Case No.-196 Year-2018 Thana- BHAWANIPUR District- Purnia

1. Md. Munna @ Md. Akram Son of Md. Nazam Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
2. Md. Sahim @ Shamim Ahmad Son of Md. Rabbul Khan Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
3. Md. Enamul @ Anamul Son of Late Md. Gaffor Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
4. Md. Saham @ Sahamuddin Son of Mohiuddin @ Md. Muddi Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
5. Md. Saddam Son of Late Hadis @ Md. Hadish Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
6. Md. Asad @ Md. Ashad Son of Late Reyasat Ali Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
7. Md. Shoeb @ Md. Shoeb Raja Son of Md. Ahad Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
8. Md. Shahid @ Md. Sahid @ Md. Shahid Sah Son of Late Mustaqueem Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
9. Md. Mazlum Shah @ Mazlum Sah Son of Late Zakir Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
10. Md. Nazim Shah @ Nazim Sah Son of Buddu @ Bhuddu Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
11. Shahbaz @ Md. Shahbaz Son of Late Afsar Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
12. Afroz Shah @ Afroz Son of Late Razzak Sah Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
13. Md. Pappu @ Sk. Naushad Son of Late Israil Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
14. Badruddin @ Md. Badruddin @ Baddu @ Badiuzzama Son of Late Islam Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
15. Mannan @ Md. Zibraee Son of Suleman Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
16. Rajmul @ Md. Rajmul Son of Late Abbas Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
17. Md. Dholai @ Gholta @ Md. Gholta @ Ilyas Son of Late Sajul Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
18. Akram @ Kyam Son of Late Mohiuddin Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
19. Jabbar Sah @ Jabbar Shah Son of Najjo Sah Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
20. Md. Aslam @ Aslam Son of Abbas @ Buddo Resident of Village-



Shahidganj, Police Station-Bhawanipur, District-Purnea.

21. Umar Farooque Son of Late Bodhi @ Abdul Ghani Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
22. Md. Puran @ Md. Maneeruddin Son of Late Md. Uddan Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
23. Md. Tufani @ Md. Tufani Sah Son of Zakir Sah Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
24. Mister @ Md. Mister Son of Akhtar @ Md. Akhtar Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
25. Tabarak @ Md. Tabarak Husain Son of Late Reso @ Reyasat Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
26. Ashraque @ Asfaque @ Md. Asfaque Alam Son of Late Md. Gujjo @ Sameed Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
27. Md. Shahjahan @ Md. Sahjahan Alam Son of Razzaque Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
28. Md. Rizwan Son of Late Nazma @ Dhajji @ Nazam Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
29. Md. Sajid Son of Late Najma @ Dhajji @ Najam Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
30. Md. Khalid @ Khalid Son of Md. Razzaque Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
31. Md. Nehal Son of Md. Kailu @ Abbas Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
32. Md. Mina @ Md. Minu @ Md. Mukhtar Son of Aijal Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
33. Md. Saghir Son of Late Kamal @ Kalfu Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
34. Md. Karun @ Md. Karu @ Md. Tarukh Son of Saghir Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
35. Md. Amir @ Amir Khan Son of Shibu @ Sarwar Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
36. Md. Sulmo @ Md. Suleman Son of Late Tafo Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.
37. Md. Naushad Son of Hanno @ Haneef Resident of Village-Shahidganj, Police Station-Bhawanipur, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s

:

Mr.Khatim Reza



For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 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, 341, 323, 188, 152, 153, 353, 332, 333 of the Indian Penal Code and Section 9 of the Bihar Loudspeaker Act, 1995.

The prosecution case as per the written report of Lakkhi Ram, A.S.I. submitted to Station House Officer of Bhawanipur Police Station is to the effect that on 20.09.2018, during Muharram procession, two groups collided and they started damaging the house. It is further alleged that the accused persons also attacked on the police force with intention to kill them.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the mob and a statement has been made in paragraph 3 of the petition that for the same incident, two cases have been lodged and in both the cases, the petitioners are made accused. However, apart from the above the petitioners are not accused in any other case. It is further submitted that similarly situated co-accused persons have been



granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.07.2019 passed in Cr. Misc. No. 39987 of 2019.

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

Considering the fact that the accusation is omnibus and general against mob, 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 Sub-divisional Judicial Magistrate, Purnea. in connection with Bhawanipur P.S. Case No. 196 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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