

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29547 of 2020

Arising Out of PS. Case No.-138 Year-2020 Thana- KAUWAKOL District- Nawada

1. Mumtaj Miyan, aged about 42 years, Male, S/o Gafur Miyan
2. Saddam, aged about 26 years, Male, S/o Hasim Miyan
3. Raju @ Vikki, aged about 24 years, Male, S/o Iqbal Mian
4. Irfan @ Turia, aged about 30 years, Male, S/o ILYas Miyan
5. Tipu, aged about 25 years, Male, S/o Mubarak Miyan
6. Musan Miyan, aged about 40 years, Male, Son of Gafoor Miyan
7. Isteyat @ Iftekhar, aged about 35 years, Male, S/o Feku Miyan
8. Adir Miyan, aged about 30 years, Male, S/o Sakul Miyan, all R/o Village-Bhandari, P.S.- Kawakol, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sheo Kumar Prasad, Advocate
For the State	:	Mr.Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-02-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kawakol P.S. Case No. 138 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 153(A), 188, 269, 270, 337, 338, 353, 427 of the Indian Penal Code.

The prosecution case as per the F.I.R. is that the informant who happens to be the Officer-in-Charge of the



Kawakole Police Station received information on telephone on 12.06.2020 at 19.45 that communal riot is going on at village Bhandari. On having such information, the informant along with police force reached at the place of occurrence where he found that the peoples belonging to two communities armed with various weapons like lathi, danda were attacking to each other by means of brick batting. The informant tried to pacify the matter on which both parties became aggressive and attacked on the police party and caused injury to the police personnel. It is stated that the accused persons assaulted on the police personnel and caused damage to the Govt. police jeep. The police force, by force arrested the some persons from the spot. It is stated that the accused persons were engaged in the spreading communal riot.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case and he further submits that there is general and omnibus allegation against these petitioners. He further submits that the petitioners' name have been dragged into this case due to village politics. He further submits that the petitioners have got no any criminal antecedent mentioned in paragraph-3 of the bail petition. Only allegation against the petitioners is that they are the members of



the mob.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of ACJM-IV, Nawada in connection with Kawakol P.S. Case No. 138 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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