

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38920 of 2020**

Arising Out of PS. Case No.-426 Year-2020 Thana- MAJHAULIA District- West Champaran

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1. YUNUSH ANSARI S/o Late Barsati Ansari Resident of Village-Basara, P.S-Majhauria, District-West Champaran.
2. Zakir Hussain S/o Sahmad Mian Resident of Village-Basara, P.S-Majhauria, District-West Champaran.
3. Zaved Ansari S/o Sakil Ahmad Resident of Village-Basara, P.S-Majhauria, District-West Champaran.
4. Eklakh Alam S/o Babudin Miyan Resident of Village-Basara, P.S-Majhauria, District-West Champaran.
5. Khurshed Alam S/o Serajul Resident of Village-Basara, P.S-Majhauria, District-West Champaran.
6. Raza Hussain S/o Rahim Miyan Resident of Village-Basara, P.S-Majhauria, District-West Champaran.
7. Manjar Hussain S/o Suleman Mian Resident of Village-Basara, P.S-Majhauria, District-West Champaran.
8. Kalam Mian S/o Karib Malhari @ Karim Karim Malhori Resident of Village-Basara, P.S-Majhauria, District-West Champaran.
9. Ehsan Alam S/o Mohammad Ali Resident of Village-Basara, P.S-Majhauria, District-West Champaran.
10. Saifullah Gaddi S/o Nathuni Gaddi Resident of Village-Basara, P.S-Majhauria, District-West Champaran.
11. Amruddin Ansari @ Fateh Alam S/o Guza Mian Resident of Village-Basara, P.S-Majhauria, District-West Champaran.
12. Sharukh Ansari @ Md. Afroj S/o Yunush Mian Resident of Village-Basara, P.S-Majhauria, District-West Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate  
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

ORAL ORDER

2      12-07-2021      As prayed for, let the learned counsel appearing for  
the petitioners remove the defect(s), as pointed out by the office



vide its notes dated 22.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Majhauria P.S. Case no. 426 of 2020, registered under Sections 147, 148, 149, 153, 153(A), 341, 323, 324, 325, 307, 353, 332, 333, 337, 338, 427, 151, 152, 153, 187, 188, 189, 120(b), 295, 295(A), 358, 269, 270 and 271 of the Indian Penal Code and Section 3 of the Epidemic Act.

The accusation is that in respect of Plot No. 608, Khata No. 48, Area one Katha disputed land, the proceeding under Section 144 Cr.P.C. was initiated on the basis of Police report, but information was received to the effect that Hindu community are present there for cremation of a female dead body due to that reasons, there is tension in between Muslim and Hindu community and chance of spreading of riot. Thereafter, informant and other Police personnel reached there then found that Hindu communities were present there for disposal of the dead body by sprinkling kerosene oil and patrol without following the guidelines issued under Epidemic Act. On seeing the Police party, members of the mob became



annoyed then interference was made by the Police personnel in which Police party also sustained injuries and primary treatment was given at P.H.C. Majhauriya. In that course, information was received that some persons are indulged in breaking the boundary wall of cemetery in village-Basra then informant and other Police personnel reached there and saw that boundary wall of cemetery has been destroyed. The Police tried to convince them but they were adamant to create nuisance. At that time, 56 persons, including the petitioners, were identified, as members of the mob, by the local Chowkidar.

Learned counsel for the petitioners submits that while petitioners are named in the F.I.R., but no specific overt act has been attributed against the petitioners. Further submission is that due to dirty village politics, the local Chowkidar disclosed the name of petitioners as members of the mob. The petitioners have no criminal antecedent, except, petitioner No.6, namely, Raza Hussain, who is accused in Majhauria P.S. Case No. 296 of 2016, as detailed in para-3 of the petition, but he is on bail in that case.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the



event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. Bettiah, West Champaran in connection with Majhulia P.S. Case No. 426 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

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