

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57234 of 2021

Arising Out of PS. Case No.-223 Year-2021 Thana- DHAKA District- East Champaran

1. ANISUR RAHMAN son of Late Sheikh Abdullah @ Sk Abdullah, resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
2. Amzad Jamal @ Amzad Alam @ Amjad Jamal Son of Mazar Alam @ Mumjar Alam Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
3. Sakil Ahmad @ Shakil Akhter Son of Late Sheikh Abdullah @ Sk Abdullah Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
4. Abdul Barik @ Harik @ Barik Son of Late Habib @ Sk Habib Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
5. Hasin Akhtar Son of Wajul Haque Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
6. Amirul Haque @ Sk Amirun @ Sk Amihan @ Amirulhal Son of Late Ahmad Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
7. Jamirul Son of Late Ahmad Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
8. Naimuddin @ Naimodan Son of Basir @ Wasir Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
9. Majahar Alam @ Sk Majahar @ Khairatu Son of Late Abid Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
10. Galib Anwar Son of Anwarul Haque Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
11. Md. Nasim Son of Late Hazi Mofiz Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
12. Guddu Kabadi @ Guddu Son of Late Lal Mohammad Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
13. Samir Alam @ Samir Son of Late Julfekar Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
14. Abdul Hafiz @ Sk Hafiz Son of Late Rajak Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
15. Ashik Alam @ Ashik Son of Late Nasim Akhtar Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
16. Md. Kalimullah @ Kalimullah Son of Badiujama @ Bhadamal @ Jasmuddin Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
17. Abdul Kadir Son of Nabuddin @ Bahdamal Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
18. Kadir Seth @ Kadir Shekh Son of Abdul Rahim Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.



19. Nahid Anwar @ Nahid Son of Sk Fasiuddin Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
20. Shamshad Alam @ Shamsad Alam Son of Late Hazi Latif Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
21. Sheikh Neshar @ Sk Neshar Son of Late Sadakat Hussain Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
22. Md. Kamrul Hoda @ Kamrujama @ Mukesh Seth Son of Late Hazi Nurul Haque @ Late Haminurul Haque Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
23. Hazi Juman Son of Late Khalil Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
24. Sk Fakhruddin Son of Late Hazi Mofiz Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
25. Firoz Son of Sk Shahid Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
26. Md. Atikur Rahman @ Atikur Rahman Son of Late Washi Akhtar Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
27. Hazi Majahar Alam @ Majahar Alam Son of Late Hazi Abdul Rauf Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
28. Hazi Abdul Salam @ Abdul Salam Son of Late Sannaullah Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
29. Md. Umar Alam @ Umair Alam Son of Sk. Eftekhar @ Sk Iftekhar Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
30. Shakil Akhter @ Shakil Akhtar Son of Sk Irshad @ Sk Ershad Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
31. Jawed Akhtar @ Jawed Akhtar Son of Kalim Master Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
32. Md. Faiz Alam @ Faiz Ahmad Son of Sk Hazi Sahaddul Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
33. Sk Hassin Akhtar @ Hasin Akhtar Son of Late Ainul Haque @ Late Sannaullah Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
34. Md. Zafar Imam @ Md Zaffar Imama @ Inam Zafar Son of Majahar Alam Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
35. Sadam Husaain @ Saddam Kabari Son of Late Lal Mohammad Kabari Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
36. Sk Sammim @ Samim Son of Estekhar @ Istekhar Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.
37. Sheikh Naim @ Sk Naim Son of Late Doma Resident of Village- Jamua, P.S.- Dhaka, Dsitric- East Champaran, Motihari.

... .. Petitioner/s



Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C.Verma, Sr. Advocate
Mr.Zaki Haider
For the Opposite Party/s : Mr.Arun Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 05-09-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, Yogesh Chandra Verma, learned senior counsel for the petitioners has submitted that during the pendency of this anticipatory bail application, petitioner nos. 5, 9, 14 and 30 have been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner nos. 5,9,14 and 30.

In view of the aforesaid submission, the application is dismissed as **withdrawn as having become infructuous as against petitioner nos. 5,9,14 and 30.**

It further appears that the anticipatory bail petition as **against petitioner nos. 4, 6, 10, 12, 13, 15, 21, 25 and 37 stood dismissed as withdrawn by order dated 26.05.2022.**

Petitioner nos. 1, 2, 3, 7, 8, 16, 17, 18, 19, 20, 22, 23,



24, 26, 27, 28, 29, 31, 32, 33, 34, 35 and 36 apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 307, 188, 337, 427, 379, 504, 506, 295 and 295A of the Indian Penal Code, Section 3 of Epidemic Disease Act, 1897, Section 51 of disaster Management Act, 1951 and Section 27 of the Arms Act, registered in connection with Dhaka P.S.Case No. 223 of 2021.

As per allegation, two marriage parties were passing through the road where a mosque was situated. The members of the marriage parties were flouting the guidelines of lock-down and they were playing some filthy songs and also raising provocative slogans. Some altercation took place between two groups and the accused persons dismantled some articles in the mosque.

Learned senior counsel for the petitioners has submitted that there is case and counter case and in the counter case, the members of the present prosecution side have been granted bail. The case lodged by the defense side is earlier to the present case. Some portion of the allegation has been disbelieved by the investigating authority and both the parties have compromised in both the cases and harmonious relation has been restored between them.



Considering the above facts and circumstances, let petitioner nos. 1, 2, 3, 7, 8, 16, 17, 18, 19, 20, 22, 23, 24, 26, 27, 28, 29, 31, 32, 33, 34, 35 and 36 above-named, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Sikrahana at Dhaka, East Champaran, Motihari in connection with Dhaka P.S.Case No. 223 of 2021, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all the defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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