

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58799 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- JALALPUR District- Saran

Mallu Khan @ Md. Mallu @ Md. Hasbuddin @ Md. Hasbudin Khan S/O
Akhtar Hussain R/O Village- Noornagar, Masjid Tola, P.S- Jalalpur, Distt.-
Saran At Chapra.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-09-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 354, 379, 504, 506 & 34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against 17 named accused persons. From the F.I.R., it transpires that on the day of occurrence, the procession of *Moharram* was going on and during the procession of *Moharram*, this dispute has arisen due to which injury took place.

4. Counsel for the petitioner submits that upon bare reading of the F.I.R., it become clear that when the *Moharram* procession was going on then, the dispute has arisen between

the two communities of Sunni and Shia. In this regard, due to intervention of the local people, the negotiation took place, but nothing happened and in retaliation, another criminal case has also been filed.

5. Counsel further submits that the informant's side has filed a case bearing Jalalpur, P.S. Case No. 234 of 2022 whereas the petitioner's side has filed a case bearing Jalalpur P.S. Case No. 243 of 2022. Counsel submits that both the parties are not criminals rather at the spur of moment and during procession of the *Moharram*, hot discussion took place and the present occurrence is the result of the said procession.

6. Learned APP for the State opposes the prayer for bail, but submits that it is true that the present case is the result of the procession of the *Moharram* and dispute occurs between the Sunni and Shia communities.

7. In the present facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate-XIII, Saran at Chapra in connection with

Jalalpur P. S. Case No.234 of 2022, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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