

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76844 of 2025

Arising Out of PS. Case No.-523 Year-2025 Thana- MAJHAULIA District- West Champaran

1. Kayyum Miyan @ Kyum Miyan Son of Abbas Miyan Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran,
2. Saddam Miyan @Md. Tauhid @ Sadam Miyan son of Ozir Miyan @ Md. Wajir Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran,
3. Lord Saheb @ Md. Abu Bakar @ Lard Saheb son of Zahir Miyan @ Zahir Hussain, Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
4. Ohab Miyan @ Vahab Miyan son of Madad Miyan. Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
5. Laxmi Miyan @ Ansarul Haq son of Badruddin Miyan, Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
6. Tez Mohammad Miyan @ Tej Mohammad Miyan son of Hamid Miyan Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
7. Mohammad Sani @ Mahamad Sani son of Hamid Miyan Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
8. Md. Harun @ Harun Miyan son of Taj Miyan @ Taj Mohammad Miyan, Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
9. Mohammad Kalim@ Kalmim Miyan son of Safi Miyan @ Mohammad Shafi, Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
10. Nazir Miyan @Najir Miyan son of Afzal Miyan Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
11. Ezazul Haque @Ezazul Miyan @Aijajul Miyan son of Badruddin Miyan Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
12. Sabir Ali @ Sabir Miyan son of Kamruddin Miyan Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
13. Emamul Haque @ Md. Amanullah @ Aimamul Hak son of Monaf Miyan Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
14. Bhulan Miyan @ Faiyaj Ahmad son of Rizwan Miyan Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
15. Ashif Alam @ Aasif Alam son of Md. Harun Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
16. Irshadul Haque @ Md. Ishrarul Haque @ Arshadul Hak son of Wazul Haque Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
17. Naushad Ali @ Naushad Alam son of Harun Miyan Resident of village-



Parsa Dumariya, P.S.- Majhauriya, District- West Champaran

18. Wasi Akhtar Miyan @ Oshiakhtar Miyan son of Ashraf Miyan Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
19. Nabibullah @ Nabiullah son of Arman Miyan Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran
20. Sainullah Miyan @ Ainullah Alam son of Sipahi Miyan @ Sadulah Miyan Resident of village- Parsa Dumariya, P.S.- Majhauriya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Khushi Awadh, Advocate
For the State	:	Md. Aslam Ansari, APP
For the Informant	:	Mr. Akhileshwar Kr. Shrivastava, Advocate Mr. Amrit Kirti, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 2 27-11-2025 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners apprehend their arrest in connection with Majhauriya P.S. Case no.523 of 2025 registered under sections 191(2), 192, 190, 299, 126(2), 115(2), 109(1) and 352 of the B.N.S, 2023.
3. The allegations in the F.I.R is that people of one community attacked the other community when they were to take out the procession of Lord Mahavir on the following day and in course of the same as many as twenty persons got injured.
4. Learned counsel for the petitioners submits that as many as 30 persons have been named in the F.I.R along with



their age and parentage and 20 unknown persons are said to have indulged in the attack. She has further submitted that the occurrence is said to have taken place a day prior to taking out the procession in the evening itself and it is not possible for the informant to have named 30 persons along with their age and parentage which shows the same has been done with some *mala fide*. It has also been submitted that there was some rivalry between the members of the two communities and 20 persons are said to have injured in the occurrence and the injury of 13 persons has been incorporated during course of investigation, which are simple in nature. The petitioners undertake to co-operate in case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State as also the learned counsel for the informant on the ground that as many as 13 persons got injured in the attack made by the members of a particular community and such act was done in order to outrage the religious beliefs of other community. The allegations are thus, serious and grave in nature.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the entire mob has been made accused in this case and it is difficult



to attribute any specific role to any person, the injuries sustained by the persons are simple in nature which is possible due to some altercation between the parties and also considering the factum of mob mentality without any serious intention of causing injuries, it is directed that the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Majhauiliya P.S. Case no.523 of 2025 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned where the case is pending/Successor Court subject to the condition laid down under Section 482(2) of the B.N.S.S, 2023 and subject to the further conditions:-

(I) One of the bailors of the petitioners shall be the family member/close relative of the petitioners.

(II) They shall co-operate in the investigation/trial and in case of non-cooperation, the informant would be at liberty to file cancellation of their bail bonds.

(Soni Shrivastava, J)

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