

विहार सरकार
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PETITION - UNDATED, FROM MUSAMMAT KOOLSOOM OF MOHALLA ALAMGANJ,
IN THE CITY OF PATNA, DETAILING THE ROLE OF HER HUSBAND NAMED
MUHAMMAD BAQUR (FILE NO. NIL. B. PRDG. 73-74/JULY, 1860, JUDICIAL
DEPARTMENT, JUDICIAL BRANCH, GOVERNMENT OF BENGAL.

To

The Honorable J. P. Grant
Lieutenant Governor of Bengal-
Fort William

The humble petition of Mussamant
Koolsoom inhabitant of Mahulla -
Alumunge in the City of Patna wife
of Mahomed Bakur a prisoner.

Respectfully sheweth,

That your petitioner's husband Maho-
med Bakur was tried by Mr. William Tayler late Com-
missioner of the Patna Division under Act 14 of 1857 on
an alleged charge of coming to Patna with arms to aid and abet
the enemies of the State, and sentenced to imprisonment for
fourteen years with labor in irons, and has since been trans-
ported beyond seas to some port or country, of which your
petitioner has no knowledge whatever.

2^d Before his transportation, your petitioner's
husband appealed for a remission of the sentence to the
Supreme Government, and upon the petition being transfer-
red to the Bengal Government, the late Lieutenant Governor
of Bengal under orders dated the 7th December 1857 de-
clined to interfere in his case.

3^d Your petitioner has since learnt, that the
records of most of the trials held by Mr. Tayler during the
disturbances that prevailed in Behar, were made over by order
of Government for revision to the Sudder Court, and that
the said Court, failing to see any guilt in the prisoners in
such trials, they have been released. Your petitioner is not

aware

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aware why the Record of the trial of her husband was not likewise referred among the rest, to the Sudder Court, and it is with the view to obtain such a revision by a high and respected Tribunal, that your petitioner has ventured to trespass on your Honor, with the following brief particulars of the Case.

4th Your Honor will observe, that the Charge against your petitioner's husband was that "of Coming to Patna with arms to aid and abet the enemies of the State." But the record of the Case it will be perceived, nowhere shows his presence in Patna on the eventful night of the 3^d July 1857, when, on a momentary rising in the City, the late Dr. Lyall lost his life. Your petitioner's husband was on that night, or before it, neither at Patna, nor at Barr, where Mr. Vincent then Deputy Magistrate of that place initiated these proceedings against him.

5th The record of the Case being quite decisive on the point of the absence of your petitioner's husband from the scene of the mutiny, the charge against him must certainly fall to the ground. But should the charge imply, that he was on his way to Patna with a treasonable intent, and arms in his possession, the absurdity of the charge is still more manifest; inasmuch as since the record exhibits no complicity between your petitioner's husband and the leaders of the mutiny, nor any correspondence, or even relationship or connection with them, your petitioner submits, it is arbitrary in the extreme, to assume, that a man found on the River upwards of 30 miles below Patna "was coming to Patna with arms to aid and abet the enemies of the State."

6th The particulars connected with your petitioner's husband

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husband being found on the River at Barr are these. He was a trader in hides and Country produce, and godowns and store houses at Bhagulpore, Colgong, Loringpura, Salempore, Barr, and other places, where for the prosecution of his business he resided for the greater part of the year visiting his house for a few days only once in six or eight months.

7th That while residing at Bhagulpore your petitioner's husband received intelligence of the decease of his daughter, and sister-in-law, and set out on a visit of Condolence for his house at Alumgunge in Patna on the 26th June 1857 in a boat, intending, as he passed the several interment places to look for one Bahadur Ally a servant of his, who had a short time previously, absconded with Rs. 545 belonging to him.

8th That when setting out on his journey at Bhagulpore, your petitioner's husband's Gomashtha gave him for the purpose of being repaired 5 Old swords, 4 Guns and 3 gun barrels; the locks of 5 of these guns to prevent their being lost, were deposited in his Chest.

9 That your petitioner's husband arrived at Maroofgunge a place distant about a couple of miles from Alumgunge on the 5th July 1857, and from the Crew of the boats moored there, he heard, that a disturbance had taken place in Patna on the 3^d idem; that several persons were apprehended; that more, especially Mahomedans, were being apprehended on suspicion; and that persons found with arms were incarcerated and their arms forfeited.

10th That your petitioner's husband naturally feeling alarmed for his own safety in consequence of the rusty and unseviceable arms in his possession, they were in compliance with the unanimous determination of the crew of the

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the boat, and his companions, tied into a bundle, for the purpose of being thrown overboard, should their progress be arrested, and their personal safety placed in any jeopardy in consequence of them. The river being too rough at the time for a boat to go Coasting up to Patna, your petitioner's husband despatched his brother Shere Khan whom he had picked up at Surruggura, and his servant Hoormut, to his house at Alungunge, and himself went across the river as the safest means of reaching Alungunge ghant.-

11th. That when your petitioner's husband was across the river, his servant Hoormut returned to him in a dinghee, confirming the rumours he had heard at Marwagunge, and suggesting the expediency of his returning to Bhagulpore. He accordingly turned his boat, and wended his way to his stone house at Baird intending to await there the receipt of further intelligence, and to proceed to Patna when it would be safer for him to do so. The boat accordingly drifted down the same evening the 5th July 1857, on the morning of the 6th idem a little before dawn, it was opposite the Cutcherry house of the Deputy Magistrate of Baird. It was here stopped by the peons on guard at the Cutcherry, and the crew of the boat finding that their worst apprehensions were realized, threw the bundle of arms overboard. Your petitioner's husband who was till then asleep, now awoke, and together with his companions, was taken into custody.-

12 That on the boat being searched, the five gunlocks which had been deposited in your petitioner's husband's chest were discovered, and enquiries being made, it was ascertained that the arms were, in consequence of an unfounded alarm, thrown into the river.-

13th Your petitioner's husband and his servant were here examined by Mr. Vincent then Deputy Magistrate of Barr, and committed to the Commission of Patna, with a letter dated 9th July 1857 which for facility of reference your petitioner has copied before.

" On Monday the 6th current at about 3 A. M.
 " a small boat was seen by my river patrol hasten-
 " ing down stream, it being very unusual for native
 " boats to proceed by night, its progress was arrested,
 " and the Circumstances reported to me in the
 " following morning. The passengers (the two men
 " above alluded to by me) gave a plausible reason
 " for thus travelling by night and with such unwonted
 " haste, that something in their manner and appearance
 " raised my suspicion and by closely questioning the
 " boatmen, ascertained that these two men had left
 " Patna the previous evening Sunday the 5th and by
 " travelling all night had made considerable progress,
 " that on being stopped by my river patrol they had
 " thrown seven guns and five Thulwars over board. This
 " the two Mahomedans eventually admitted declaring
 " however that they had come from Bhagalpore and had
 " not even landed at Patna on hearing that a disturbance
 " had occurred at that Station and that the Native
 " Community had been called upon by the Authorities to
 " give up their guns and swords.

" I had the statements of the Boatmen
 " three in number, and the defence of the two Maho-
 " medans carefully recorded and the papers of the
 " Case (which I now forward) prove that the

defendants

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"defendants left Bhagulpore about the 25th or 26th
"ultimo for Patna with a cargo of Guns and Swords, that
"owing to Contrary winds the boat did not reach Patna
"till the 5th instant although in the ordinary Course
"of river travelling they should have reached that Station
"on the 1st or 2^d of this month or even earlier. This I
"think clearly shews, that Defendants were hurrying up
"with Guns and Swords to join in the Mahomedan outbreak
"that took place at Patna on the 3^d Instant. The
"appearance of Mahomed Bakur Khan confirms this
"supposition. He being a stout Lucknow Mahomedan
"and I cannot help thinking was actively engaged in
"the disturbance of the 3^d, but as the papers of this
"Case do not prove that, we must confine ourselves to
"what is on record. I would mention that Mahomed
"Bakur Khan is a son-in-law of Jorawar Khan of
(बिहार र) Patna with whom you are no doubt acquainted. —

14th Upon this representation of the Deputy
Magistrate, Mr. Tayer the Commissioner took up the
Case on the 6th August 1857, and being of opinion that
your petitioner's husband was guilty of the Crime "of
"Coming to Patna with arms to aid and abet the enemies
of the State", sentenced him to imprisonment with labor
and irons for 14 years. —

15th The Deputy Magistrate it will be observed
by your Honor, argues from the discovery of the old
and unfit guns and swords so fully described in
paragraph 8 of this petition, that your petitioner's
husband was carrying "a Cargo of guns and Swords"
to Patna to aid in the outbreak. But upon merely glancing
at the evidence, your Honor will perceive, that he never

entertained

entertained any such intention, nor had any such Cargo on board.

16th Some stress likewise appears to have been laid at the trial, upon the alleged fact of your petitioner's husband having first refused to give up, and subsequently having given up the key of his lore, and of his having made an offer of 100/ to Bhugwan Jewary the jamadar, not to open his lore, but to convey it to his store house at Barr. The depositions of the three burkundages examined at the trial are your Honor will perceive conflicting on the first point. Furthermore it will appear from the report of the Darogha of Barr who was deputed to search the boat, that the lore in question was broken open by a Carpenter; hence all that has been said about the refusal and subsequent surrender of the key must be a fiction, for what necessity could there have been to break open the lore, if the key were surrendered. — As to the second point (viz) the least your petitioner need say of it, is, that it is too preposterous to be believed for a moment. It is highly improbable, that in the presence of three police Officers of his goods, your petitioner's husband would have had the temerity to offer a fourth one their superior Officer, a bribe in their presence. Your petitioner further begs permission to add, that Bhugwan Jewary was not examined at the trial, and her husband has not had the opportunity of cross-examining on this point, and eliciting the truth from him.

17 Your petitioner will not trouble your Honor with any repetition of the argument adopted by the Deputy Magistrate from the personal appearance of her husband. To argue that being "a stout Lucknow man" he "was actively engaged in the disturbance" when it is also

admitted

admitted " the papers of this Case do not prove that, is to say the least, a mode of reasoning hitherto unknown in the annals of Criminal jurisprudence. -

18th Under these Circumstances, your petitioner humbly prays, your Honor will be graciously pleased to direct, that the record of the trial of her husband be also laid before the Court of Nizamut Adawlut to the end, that an opinion as to his guilt or innocence, may be recorded by that Tribunal. -

And your petitioner as in duty bound will ever pray. -

बिहार सरकार
मंत्रिमंडल सचिवालय विभाग
(बिहार राज्य अभिलेखागार निदेशालय)

20 March 50 - 5/8

Repts. 521
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Petitioner of Mufassil
Koolsoam, wife of Moko-
med Bakim a prisoner

Patna

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12th Jan 50

Keep with L.S.
Pro 19 January

74 prisoners

बिहार

सरकार

मंत्रिमंडल सचिव
(बिहार राज्य अगिले खाता निदेशक)
States that her husband
was tried by Mr. Taylor
late Commr. under Act
14 of 1857 on an alleg.
charge of coming to Patna
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imprisonment in trans-
portation. Prays that
the record of the trial of