

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19685 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -BIHARIGANJ District- MADHEPURA

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1. Mukesh Prasad Singh. Son of Vijendra Prasad Singh @ Bijendra Singh.
 2. Anil Jaiswal. Son of Damodar Jaiswal.
 3. Gauri Shankar Singh. Son of Late Janardan Prasad Singh. All Resident of Village - Manjoura, Police Station - Bihariganj, District - Madhepura.
 4. Jhunna Singh. Son of Mantu Singh. Resident of Village - Karmanchak, Police Station - Bhawanipur, District - Purnea.

.... Petitioners

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

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CORAM: HON'BLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 09-07-2015 Heard learned counsel for the petitioners and learned counsel for the State.

In this application, the petitioners apprehend their arrest for the offences punishable under Sections 147, 149, 268, 285, 290, 291, 336, 283, 427, 353, 504/34 of the IPC.

Allegedly, the petitioners along with 200 persons after blocking the road making slogans against the police due to assassination of one person, made obstruction and blocked the road and further tried to burn the police jeep.

Submission is that against the accused persons there is no specific allegation and all the Sections areailable except

Section 353 of the I.P.C., which is not applicable in the present case as there is no allegation of assaulting or using criminal force to a public servant in discharging duty with an intention to prevent or deter such public servant. The agitation was peaceful and the petitioners have been named as a member of mob to which learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, considering that against the petitioners, there is no specific allegation and simply they were members of the mob and as such the petitioners in case of their surrender or arrest within two months from the date of receipt or production of the order they shall be released on bail on execution of bail bond of Rs 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri. P.K. Chaudhary, Judicial Magistrate 1st Class, Udakishunganj, Distt. Madhepura in connection with Bihariganj P.S. Case No. 39 of 2015 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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