

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28380 of 2014

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1. Mukesh Kumar Gupta @ Mukesh Kumar Sonof Kishori Prasad Gupta
R/o Village - Parsa, P.S. - Sursand, District - Sitamarhi at present posted as
constable CRPF at Jharkhand

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. S.N.Shukla(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 13-01-2015

Heard the parties.

This is an application for anticipatory bail for the
offence punishable under sections 147, 149, 323, 295, 295A of the
I.P.C.

Allegedly when on the occasion of Muharram Dahan
procession was going on the F.I.R. named accused persons and 4-5
unknown started dismantling the Dahan and when objection was
raised the informant was assaulted by the accused persons and the
people of muslim community started fleeing away and after some
time people of Hindu community started pelting stones from the
road on account of which the people who were playing Dahan went
hither and thither leaving the Dahan and the informant and another
sustained injury.

Submission is that that the petitioner is not named in the F.I.R. During investigation number of accused persons has been developed time to time. In paragraph-4 witness Soni Khatoon has stated the name of the petitioner that he was throwing brick bats. Petitioner is constable in the C.R.P.F. and he was not present at the place of occurrence rather he was in his house and within 20 minutes police come and the matter was pacified and since there was peace in both the communities and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes.

As the name of the petitioner has come later on that he was throwing brick bats only and he was not indulged in dismantling Deha and as such the above named petitioner, in case of his arrest or surrender within two months from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M. Pupri, Sitamarhi in Sursand P.S. Case No. 257 of 2013 subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

Abhay/-

(Jitendra Mohan Sharma, J)

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