

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28573 of 2015

Arising Out of PS.Case No. -150 Year- 2015 Thana -SUPAUL District- SUPAUL

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1. Dukhilal Yadav Son of Late Narayan Yadav resident of Village -
Ratanpura, P.S. - Kishanpur, Distt. - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy

For the Opposite Party/s : Mr. Binod Kumar No. 3(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in connection
with Supaul P.S. Case No.150 of 2015 instituted under Sections
153(B) and 34 of the Indian Penal Code.

The prosecution case, in short, is that the informant is a
Panchayat Raj Padadhikari who has stated that on 5.4.2015 he was
deputed to watch garland Programme of
the Ex-Chief Minister at Lohiyanagar Chowk. As per programme
the Ex-Chief Minister came and put the garland on the statue of
Lohiyajee and after delivering some speech proceeded to Saharsa.
After one hour of the said proramme, the supporters of Rashtriya
Janta Dal (Chhatra Sangh) came at the place of statue and

removed the garland from the statue and washed it and thereafter put another garland on the statue.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. From the perusal of the F.I.R. itself it appears that the petitioner has been implicated due to mistake of fact.

On behalf of the State it has been submitted that from the perusal of the F.I.R., it would appear that the act of the petitioner is highly objectionable and offence under Section 153/34 I.P.C. is made out against him, as there is specific allegation against the petitioner along with others that they have removed the garland from the statue of Lohiya Jee and thereafter washed the statue.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

Any how, if the petitioner surrenders in the court below and pray for regular bail, the same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

V.P.Sinha/-

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(Sudhir Singh, J)