

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38142 of 2015

Arising Out of PS.Case No. -99 Year- 2015 Thana -CHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

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Farooque Azam @ Farooque Ahmad Son of SK. Gyani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Md. Anis Akhtar , Advocate
Mr. Asif Kalim, Advocate

For the Opposite Party/s : Mr. M.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 201, 323, 353, 382 and 511 of the Indian Penal Code.

The prosecution case is that the police went to recover the dead body in connection with Chauradano P.S. Case No.98 of 2015, registered under section 304B/34 of the Indian Penal Code when the dead body was digged out and loaded on the police jeep then FIR named accused persons and 100 unknown came variously armed, surrounded the informant and other police personnel and took away the dead body forcibly.

It is submitted by learned Sr. Counsel for the petitioner that petitioner is ex-Panchayat Mukhiya of the Pakariya

panchayat in district East Champaran (Motihari) and since communal tension erupted when police wanted to dig out the dead body, hence, the police in order to save its skin lodged the present case. Subsequently, the informant of Chauradano P.S. Case No.98 of 2015 retracted from initial version and filed a petition to the effect before the learned court below that his daughter died a natural death. Moreover, statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent and the accusation is against the mob.

Considering the accusation against the mob, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Raxaul at Motihari, East Champaran in connection with Chauradano P.S. Case No.99 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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