

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38912 of 2014

Arising Out of PS.Case No. -19 Year- 2014 Thana -SAHARSA Sadar District- SAHARSA

Ganeshi Yadav S/o Bindeshwari Yadav Resident of Village Sisai
(Agwanpur), P.S. Sadar (Saharsa), District Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 27-04-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Sadar Saharsa
P.S. Case No. 19 of 2014 dated 05.01.2014 instituted under
Sections 147/ 148/ 149/ 341/ 323/ 332/ 333/ 336/ 307/ 353/ 379/
427/ 504/ 506 of the Indian Penal Code, 3/4 of the Prevention of
Damage to Public Property Act, 1984 and 10/11 of the Unlawful
Activities (Prevention) Act, 1967.



Learned counsel for the petitioner submits that the allegation as per the F.I.R. is against 22 named including the petitioner and 500-700 unknown persons. Learned counsel submits that it was a spontaneous public outcry on the recovery of the dead body of a Guard from the local Agriculture College. Learned counsel further submits that besides the petitioner having clean antecedent, in such a huge crowd he could not be identified and only to implicate him, his name has been given to the informant by some inimical persons. Learned counsel submits that even as per the F.I.R. some specific role has been assigned to certain persons with regard to assault on the government officials and damage to property but with regard to the petitioner there is only general and omnibus allegation and at best he was member of the crowd showing his anguish at the occurrence without any deliberate intention of violating any law much less committing any offence.

Learned A.P.P. submits that the petitioner has also been named as one of the persons in the crowd. However, it is not disputed that no specific overt act has been assigned to the petitioner as in the case of certain other named co-accused.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of

arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Sadar Saharsa P.S. Case No. 19 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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