

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49277 of 2015

Arising Out of PS.Case No. -151 Year- 2013 Thana -VIJAYPUR District- GOPALGANJ

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1. Raju Ram son of Fanni Ram, resident of village- Hakarpur.
 2. Dadan Ram son of Gariba Ram, resident of village- Chaumukha
 3. Sri Ram Kushwaha son of Ramgati Kushwaha, resident of village- Chitauna.
 4. Rambiswas Ram son of Ram Kishun Ram, resident of village- Chaumukha
 5. Fulwari Rajbhar son of Garbharan Rajbhar, resident of village- Chaumukha
 6. Ram Barai Ram son of Sukhdeo Ram, resident of village- Chaumukha
 7. Baijnath Kumhar @ Baidnath Prajapati son of Shivpujan Prajapati, resident of Village-Mushahari
 8. Madan Bhagat son of Ramchandra Bhagat, resident of village-Tarkulhi
 9. Prayag Sah son of Sasai Sah, resident of village- Majhwalia
 10. Vinod Ram son of Ramdeyal Ram, resident of village-Bavnauli.
 11. Ramchhabila Sahni @ Chhabila Sahni son of Ramnachhatra Sahni resident of village- Chaumukha
 12. Vijay Gupta son of Ramashankar Gupta, resident of village-Chitauni Tola Parsauni
 13. Shailesh Gupta son of Sriram Gupta, resident of village-Chitauni Tola Parsauni
 14. Bijendra Prajapati son of late Ramsagar Prajapati, resident of village- Parsauni.
 15. Munna Kushwaha @ Munna Bhagat son of Rajendra Bhagat, resident of village-Chitauna
 16. Shambhu Sahni son of Horil Malah, resident of village- Chaumukha,
- All are of P.S- Vijapur, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-11-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Vijaypur P.S. Case No.151 of 2013 registered under sections 147,

148, 149, 323, 332, 333, 307, 337, 338, 353, 427, 379 and 109 of the Indian Penal Code.

According to the prosecution case, 51 named persons and 150 unknown persons formed an unruly mob and after breaking open the door of the office of the Circle Officer, they entered into the room and assaulted him. They damaged the furniture and engaged in brick-batting. One of the accused, namely, Jitendra Paswan inflicted Lathi blow on the Circle Officer causing head injury with an intention to kill him. The members of the mob tried to snatch the arms of the police officials. When the Circle Officer tried to escape, the petitioners confined him and assaulted. The accused persons are alleged to have taken away the records of the office and raised slogans.

It has been submitted by learned counsel for the petitioners that though the petitioners are named in the FIR, there is no specific allegation against them that they assaulted either the Circle Officer or the Officer Incharge. He has further submitted that the petitioners were protesting against inaction of the police in relation of Vijaypur P.S. Case No.141 of 2013 against one Ruhela Ansari, a PDS dealer as against him a case under section 7 of the Essential Commodities Act for black marketing the food grains was instituted. It has further been contended that some of the accused, namely, Manager Yadav, Sharma Turaha, Sawarath

Mallah, Kavilas and Gama Yadav having identical allegation have been granted anticipatory bail by different Benches of this Court.

Learned counsel for the State has opposed the application. He has submitted that the allegations are quite serious and the petitioners are named in the FIR. He has further submitted that the petitioners have not only assaulted the Circle Officer and the Officer Incharge of the Police Station but they have also damaged the records of the office of the Circle Officer.

Regard being had to the serious nature of allegation, with due regard to the orders passed by this Court in the case of the accused persons named above, I find myself unable to accede to the prayer of the petitioners. Accordingly, the application is rejected.

In case the petitioners surrender and seek bail, the court below shall consider the same on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Md.S./-

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