

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52257 of 2015

Arising Out of PS.Case No. -63 Year- 2015 Thana -SARE District- NALANDA (BIHARSHARIFF)

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1. Arvind Kumar Yadav @ Arvind Yadav, son of Sri Umaro Yadav
 2. Subodh Yadav @ Subodh Kumar, son of Sri Mahendra Yadav
 3. Mahendra Yadav, son of Late Shital Yadav
 4. Santosh Kumar, son of Late Shree Ballabh Yadav
 5. Gopal Kumar @ Gopal Yadav, son of Sri Saryug Yadav
 6. Samindar Yadav, son of Late Shidheshwar Yadav
 7. Nawal Yadav, son of Late Lalo Yadav
 8. Satyendra Yadav, son of Late Shital Yadav
 9. Kamlesh Yadav, son of Sri Krishna Yadav
 10. Sanjay Yadav @ Sanjay Kumar, son of Sri Hardeo Yadav
- All are residents of Village-Balwapar, P.S.- Barbigha, District-Shiekhpora

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. M.Haque, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-11-2015 Heard learned counsel for the petitioners, Sri Malay Kumar Choudhary along with Sri Ravi Ranjan and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sare P.S. Case No. 63 of 2015 registered for the offences punishable under Sections 147, 149, 152, 341, 323, 353, 333, 337, 427, 504 and 506 of the Indian Penal Code.

The prosecution case is that on 30.07.2015 at 16.30 hrs. one Harendra Praswan, Sub Inspector of Sare Police Station submitted his written report addressed to the Officer-in-Charge of



Sare Police Station and stating therein that he received an information from S.H.O. that Mar-peet has taken place in village Balwa-Par. Thereafter, at 16.45 hrs. he along with other police personnel named in the First Information Report, proceeded from Police Station and at 18.15 hrs., they reached at village Balwa-Par and learnt that there is dispute between both the parties over the talk of marriage of son of Dharam Yadav namely Bhushan Yadav. In the meantime, the police saw that in front of the house of Rajiv Kumar, hue and cry was going on. It is further stated that when 4-5 persons from the girl side were about to proceed on the vehicle at the place of occurrence, in the meantime, (1) Dharam Yadav (2) Santosh Yadav (3) Gopal Kumar (4) Samindar Kumar (5) Nawal Yadav, (6) Arvind Kumar Yadav, (7) Satyendra Yadav, (8) Subodh Kumar (9) Mahendra Yadav (10) Krit Yadav (11) Kamlesh Yadav (12) Sanjay Yadav (13) Ganesh Yadav being armed with stone, lathi and Danda suddenly attacked on the police personnel and surrounded them and with a view to making obstruction in the government duty, all started pelting stone and breaking the glass of police vehicle, whereas, some people started assaulting to the persons, who were sitting back side of the vehicle with lathi as a result of which, Satyendra Kumar, driver of the vehicle, Md. Mumtaz Ahemd, and Chandra Dev Mahto became



injured and by putting barrier, they blocked the road continuously. The police personnel anyhow prevented the girl side and took away them. The police personnel gave information about the same to SHO who after sometime, reached at the place of occurrence with armed force, where they saw that the aforesaid persons along with 50-60 unknown persons were blocking the road and had disturbed the traffic. Crowd was aggressive and named accused persons were abusing the police and were asking to bring kerosene oil and to set the vehicle ablaze. After great efforts, mob was pacified and road blockage was removed and thereafter, traffic became normal. The aforesaid persons along with 50-60 others unknown persons knowingly disturbed in official duty and indulged in Mar-peet with brick, stone and lathi and accused damaged the glasses of police.

It has been submitted by the Counsel for the petitioner that petitioner nos. 4 to 10 have no criminal antecedent whereas, petitioner nos. 1 to 3 have been made accused in Barbiga P.S. Case No. 258 of 2015 under similar offences as the present one. It has further been submitted by the Counsel for the petitioners that the alleged offence has been made attributable to as many as 13 persons and no specific overt act has been stated to have been committed by any of the petitioners. Furthermore, it has

been submitted by the Counsel for the petitioners that as per the First Information Report, there were 50-60 persons, who had assembled, as such, the alleged occurrence amounts to mob attack, and the allegations are omnibus and general. It has been further pointed out by the Counsel for the petitioners that the injury report, which finds place at Annexure-2 of this petition, speaks of injury simple in nature, and caused by hard and blunt substance and no deep injury has been found on the person of the injured.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender within a period of six weeks from today before the Court below be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Sare P.S. Case No. 63 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However, it is made clear that if Petitioner No. 1, 2 and 3 are found in future to indulge in offence of similar nature the court below will be at liberty to cancel the bail bonds of those petitioners without being prejudiced with the present order.

(Nilu Agrawal, J)

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