

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52087 of 2015

Arising Out of PS.Case No. -355 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Jubaid Alam, son of Sarfulllah Mian.
 2. Dilip Sah son of Ramchandra Sah
 3. Md. Aslam Ali @ Aslam, son of Kamaruddin Mian, All resident of village- Chakhni, P.S.- Bagaha, District- West Champaran.
 4. Vikash @ Vikash Kumar, @ Prakash son of Nandlal Sah, resident of Village- Chhatraul, P.S.- Bagaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav

For the Opposite Party/s : Mr. Dinesh Singh (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-12-2015

Heard learned Counsel for the petitioners and

learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Bagaha P.S. Case No. 355 of 2015 for offences alleged under Sections 147, 148, 149, 341, 323, 504, 506, 353, and 427 of the Indian Penal Code.

Prosecution case is that one Shri Raj Kishore Sah, who is Anchal Adhikari of Bagaha has lodged a written complaint before local police stating therein that on 27.8.2015 at about 9.30 a.m. he got information that road NH 28B has been blocked by students and their parents of Mission School Chakhani



at Chakhani More. Then the informant along with police officials went at place of occurrence and saw that near about 100 to 125 students and some unsocial elements have blocked the road by burning tyres on road and unsocial elements were provoking the students to block the road. Having seen the informant and police officials the unsocial elements started to do scuffle with informant and police party and they also damaged the police jeep and all persuasion of the informant & police party resulted in vain and unsocial elements had blocked the road for two and half hours. On inquiry, the names of the above petitioners along with two others surfaced. So, FIR was lodged against them and other unknown persons.

It has been submitted by the learned Counsel for the petitioners that a mob of about 100 to 125 students and other unknown persons gathered and they were blocking NH 28B, main road and started altercation with the police personnel. It has further been submitted that on secret information the petitioner's names surfaced along with other to co-accused. It has also been submitted by the learned Counsel for the petitioners that it was a mob attack as a large number of people had assembled and they were creating blockade on the road for which the petitioners cannot be attributed to any overt act of scuffle and beating. It has

further been submitted that all the petitioners had clean antecedent as is evident from para three of this petition and the petitioners belong to nearby villages and has no concern with the agitation of students, which had taken place at the place of occurrence.

Be that as it may, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of 6 weeks from the date of receipt/production of copy of this order, be released on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Bagaha P.S. Case No. 355 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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