

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20634 of 2015

Arising out of PS.Case No. -162 Year- 2011 Thana -BANKA District- BANKA

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1. Bilash Paswan @ Bilas Paswan, son of late Kapri Paswan.
 2. Niwash Paswan, son of Nasiwan Paswan.
 3. Suman Paswan, son of Girish Paswan. All are residents of village - Nagri, P.S. Panjwara, District Banka.
 4. Manoj Bagbai, son of Sahdeo Bagbai, resident of village - Bhartikitta, P.S. Godda, District Godda (Jharkhand).

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Brij Nandad Prasad, Advocate.

For the Opposite Party : Mr. Ram Sumiran Rai (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-07-2015 The petitioners are apprehending their arrest in connection with Banka(Panjwara) P.S. Case No. 162 of 2011 for the offences instituted under Sections 147, 148, 149, 353, 307, 332, 120(B), 427, 379 of the Indian Penal Code and 3(2)(C) of the Prevention of Damage to Public Property Act.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that after death of two boys in vehicle accident, the villagers assembled on the spot and started to indulge into blocking of road putting the vehicles on fire and brick batting. It is alleged that the police tried to control over the situation but they did not agree for them and the said mob of

800 to 1000 continue to create disturbance on the spot in which armed party had also opened firing in the air. It is also alleged that the said mob was being laid by the petitioners and other accused persons named in the F.I.R.

It has been submitted on behalf of the petitioners that the petitioners were granted anticipatory bail by the court of the learned Sessions Judge, Bhagalpur, vide order dated 22.09.2012 passed in A.B.P. No. 1275 of 2011 but for certain unavoidable reason and as the petitioners are illiterate and due to ill health of the father of petitioner no. 4 Manoj Bagbai they could not surrender in the learned court below within the stipulated period. Thereafter, the petitioners preferred Cr. Misc. Petition No. 20 of 2015 for modification of earlier order by which the petitioners were granted anticipatory bail but the same is rejected by the learned Sessions Judge, Banka, vide order dated 23.03.2015.

I am not inclined to interfere with the order dated 23.03.2015, passed in Cr. Misc. Petition No. 20 of 2015, and hence prayer for anticipatory bail made on behalf of the petitioners is rejected in Banka(Panjiwara) P.S. Case No. 162 of 2011, pending in the court of the learned C.J.M., Banka.

Anyhow, if the petitioners surrender before the learned court below within a period of four weeks and move for regular

bail the learned court below shall take into consideration that the petitioners were earlier granted anticipatory bail vide A.B.P. No. 1275 of 2011 dated 22.09.2012 by the learned Sessions Judge, Bhagalpur.

Accordingly, the petition is dismissed.

U.K./-

(Sudhir Singh, J)

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