

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12246 of 2015

Arising Out of PS.Case No. -104 Year- 2014 Thana -SIDHWALIA District- GOPALGANJ

- =====
1. Akhilesh Tiwary son of Shiwjee Tiwary
 2. Mohan Lal Prasad son of Manshi Prasad
 3. Bacha Tiwary son of Late Brijnandan Tiwary
 4. Upendra Tiwary son of Late Brijnandan Tiwary
 5. Radhe Shyam Tiwary @ Radheyshyam Kumar Tiwary son of Anil Tiwary
 6. Mintu Kumar @ Mintu Parit son of Ambika Parti
 7. Shmabhu Parit son of Satyananrayan Parit
 8. Vijay Tiwary son of Bidya Tiwary
 9. Kedar Ojha son of Late Kapil Ojha
 10. Shiwendra Dubey son of Late Ramawadhesh Dubey All residents of village- Dangsi, P.S. Sidhwaliya, District Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjya Kumar Chaubey, Advocate

For the Opposite Party/s : Mr. U.S.P.Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 10-04-2015 Heard learned counsel for the petitioners as well as
learned APP for the State.

After coming to know about the blockade of road by
a mob, the prosecution party arrived and further, tried to pacify the
mob. However, they became enraged, abused, brick-batted as well
as also caused damage to the police jeep. Then thereafter, the
police high-ups were informed and after their arrival, the mob
dispersed.

The O/C of Sidhawali Police Station named

altogether 24 persons including the petitioners along with 25-30 unknown persons.

It has been submitted on behalf of the petitioners that there was no occasion for the police official to know by the name and face of the members of mob, even in case of admitting the prosecution case, and that suggests that somebody else happens to be instrumental on that very score.

On the other hand, learned APP opposed the prayer and submitted that unruly mob indulged in such kind of activity by which the police officials were prevented from due discharge of their official duty.

Taking into account the allegation on its face, justify direction to the petitioners to surrender before learned trial court with a prayer for bail which, the learned trial court will consider favourably in the background of omnibus nature of the allegation without being influenced by the instant order.

With the aforesaid direction, the instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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