

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37099 of 2015

Arising Out of PS.Case No. -137 Year- 2009 Thana -DESARI District- VAISHALI(HAJIPUR)

1. Sakhichand Paswan, son of Ram Lal Paswan, resident of village-
Chakeyan, P.S.- Desari, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Panchanand Pandit

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-09-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Desari P. S. Case No. 137 of 2009 registered for offences
punishable under Sections 147, 148, 149, 341, 342, 332, 283, 333,
353, 307 and 379 of the Indian Penal Code and 5/6 Essential
Service Act..

The prosecution case is that at about 8 A.M. about 200-
250 people in village- Chakyaz blocked the Ambedkar chauk on
Hajipur- Mahnar road. The informant along with other police
party on such information reached at the place of occurrence.
About 57 persons named in the F.I.R. including the name of
petitioners alongwith others started raising slogans against the

police and District Administration.

It is further alleged that they were forcing administration to hand over dead body of Radha Paswan, who was murdered by miscreants. The dead body of the deceased Radha Paswan having been received at 5 P.M., these petitioners and other accused persons started pelting stones against the police force with intention to kill them in which the informant and several persons sustained injuries. The members of the mob damaged the police jeep and had taken away the battery of the police jeep. The mob also attempted to kill Home Guard Satyendra Prasad Singh. The accused persons fled away after arrival of the additional police force from several police stations.

Learned counsel for the petitioners submits that the petitioners are named in the FIR but no specific allegations are alleged against them. Many villagers assembled at the place of occurrence and they were protesting against the killing of a co-villager. It has further been submitted that on similar facts many persons named in the F.I.R., have already been granted anticipatory bail by different co-ordinate Bench of this Court in Cr. Misc. No. 5030 of 2015 dated 05.02.2015 and Cr. Misc. No. 35011 of 2013 dated 11.12.2013 in which co-accused Sheet Paswan, Sanjay Paswan and Ramu Paswan and 13 others, also

named in the FIR, have already been given the privilege of anticipatory bail and the case of the petitioners stand on the same footing.

Considering the facts and circumstances, in case of arrest or surrender within a period of six weeks from today, the above named petitioners will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari P. S. Case No. 137/2009, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure

(Nilu Agrawal, J)

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