

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48015 of 2015

Arising Out of PS.Case No. -320 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Vikash Jaiswal @ K. D. Son of Sileep Jaiswal
 2. Guddu, son of Dhiraj Yadav
 3. Ravi, son of Shyam Sundar
 4. Kamlesh, son of Late Sita Ram Jaiswal
 5. Om Prakash, son of Chandrika Gupta, All Resident of village- Dirkhili,
P.S.- Durgawati, District- Kaimur (Bhabua)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advcoate

For the Opposite Party/s : Mr. C.Sen Prasad Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-10-2015 Heard Sri Dr. Amrendra Kumar along with Mr.

Vinod Kumar Seth, learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Mohania P.S. Case No. 320 of 2015 registered for the
offences punishable under Sections 147, 149, 338, 504, 333, 353,
506 and 386 of the Indian Penal Code.

The prosecution case as per the informant, who is
the Commercial Tax Officer, is that he along with Assistant
Commissioner of Commercial Tax went to check post near
Karmnasa and found one truck bearing registration no.



UP44T4677 parked on the road, causing obstruction in the vehicular traffic. Having seen none on the truck, the truck was moved by the authorities to the parking side. It is alleged that the driver of the truck along with several brokers-cum-criminals started abusing and pelting stones causing injury to SIS guard and constable of SAP and injury was also caused to JCO. The name of the persons identified in the mob is mentioned in the First Information Report.

It has been submitted by the learned counsel for the petitioners that the petitioners are innocent and it was only on account of the said truck which was obstructing the traffic, this occurrence took place. It has further been submitted by counsel for the petitioners that although there are 18 F.I.R. named persons which includes the petitioners, there was a mob of about 50 people hence the allegations made are general and omnibus. Furthermore, the counsel for the petitioners submits that they have no concern with the said truck.

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, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 320 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 some of the petitioners i.e. petitioner no. 3, Ravi is an accused in Mohania P.S. Case No. 131 of 2013 and petitioner nos. 4 and 5 namely, Kamlesh and Om Prakash are accused in Durgawati P.S. Case No. 143 of 2014, Durgawati P.S. Case No. 46 of 2013 and petitioner no. 5 is an accused in yet another case in Mohania P.S. Case No. 14 of 2013. If these petitioners in future are found to have committed any offence of similar nature as the present case, the learned court below is given liberty to cancel the bail bonds of Petitioner nos. 3, 4 and 5 without being prejudiced by this order.

(Nilu Agrawal, J)

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