

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47609 of 2015

Arising Out of PS.Case No. -252 Year- 2015 Thana -PIRO District- BHOJPUR

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Pradip Kumar Sharma, Son of Sugriv Sharma, Resident of Village - Hasan Bazar, Police Station - Piro, District - Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 03-11-2015

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends arrest in Piro (Hasan Bazar) P.S. Case No. 252 of 2015 dated 07.07.2015 instituted under Sections 147/148/149/323/325/307/353/435/427/504/506 of the Indian Penal Code and 27 of the Arms Act.

The allegation against the petitioner is of being party to pelting bricks and stone resulting in injuries to police personnel and also setting fire to truck which has met with an accident and taking away the driver and khalashi with an intention to kill them.

Learned counsel for the petitioner submits that even as per the F.I.R., there was a mob which had gathered at the site of accident, where a person had died and there was anger among the people of the locality and from the mob somebody may have taken away the driver and khalashi and pelted stones even at the police personnel but the mob being of 82 named and many unknown persons, the petitioner not being assigned any overt role deserves

the privilege of anticipatory bail. It is submitted that just because the petitioner was also in the video footage will not lead to the presumption that he had also played any overt role in the incident and the fact that he had a small shop in the local market which was at a distance of 100 ft. from the place of occurrence, even his presence in the video footage is not incriminating. Learned counsel submits that the petitioner has got no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the petitioner was part of a mob and he having been identified and that too from the video footage, the incident being one of mobocracy when people take law in their own hands to mete out so called justice, the petitioner also being party to the said attempt, should not be given indulgence.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for bail before the Court below, the same shall be considered on its own merits, in accordance with law taking into consideration the submissions made on behalf of the petitioner, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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