

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35906 of 2016

Arising Out of PS.Case No. -197 Year- 2016 Thana -SITAMARHI District- SITAMARHI

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1. Kadir Rain @ Md.Kadir @ Md.Kadir Raina Son of Hasan Rain, R/v Mehsaul East Ward No.1.
 2. Md. Irshad, son of Md. Islam, R/v Mehsaul.
 3. Md. Ashraf, Son of Hadis Rain, R/V Mehsaul East.
 4. Md. Sonu Khan, Son of Late Chand Khan, R/v Mehsaul Chauk, All, P.S- Mehsaul O.P. District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikramdev Singh, Adv.
: Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-09-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 307, 364, 353, 337, 504 and 506 of the Indian Penal Code.

The prosecution case is that the informant Aurangjeb Alam being the S.I. of Police Mehsaul O.P. received information that GRP constable namely Kanhaiya Lal has been abducted and confined at a secret place by the husband of Gram Panchayat Mukhiya namely Md. Aarif and his associates with



intention to kill him. The other police officials of GRPF were also assaulted and GRP police station was damaged. The informant after making Sanha Diary entry informed the senior police officials and proceeded to the place of occurrence when they received information that Kanhaiya Lal has been confined in a school behind the house of Md. Aarif and he is being assaulted, in the meantime, a mob of 200-250 people raised slogans against the police forces. After persuading the mob the informant along with the police force entered into the school and found Kanhaiya Lal in unconscious condition. It is also alleged that co-accused Raunak Jahan, Panchayat Mukhiya, her husband and his supporters including petitioner no.2 and 3 armed with lathi, danda and iron rod surrounded the constables who were taking Kanhaiya Lal to the hospital and pelted stones as a result the police personnel received injury.

It is submitted by the learned counsel for the petitioners that for the same incident, Rail P.S. DBG (SMI) Case No. 23 of 2016, Rail P.S. DBG (SMI) Case No. 24 of 2016, Sitamarhi (Mehsaul O.P.) P.S. Case No. 199 of 2016 and Sitamarhi (Mehsaul O.P.) P.S. Case No. 197 of 2016 were registered. Though, the petitioners are accused in all the four cases but they have been granted anticipatory bail in Rail P.S.

DBG (SMI) Case No. 24 of 2016 by a co-ordinate Bench of this Court vide Cr. Misc. No. 27253 of 2016.

It is submitted by the learned counsel for the petitioners that the thrust of accusation is against Md. Aarif. The accusation against the petitioners is omnibus and general. The FIR has been registered against 42 named and 250 unknown. The petitioners are named in the FIR. It is further submitted that similarly situated accused persons who are also accused in all the four cases have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 31559 of 2016.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi in connection with Sitamarhi (Mehsaul) P.S. Case No. 197 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted by the learned court below on filing separate affidavit by each

petitioner that he will co-operate during investigation. Non-co-operation of the petitioners during investigation will give liberty to the learned court below to cancel the bail bonds of the petitioners.

(Dinesh Kumar Singh, J)

Amrendra/-

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