

Arising Out of PS.Case No. -262 Year- 2015 Thana -RAJAUN District- BANKA

.... Petitioner/s

1. The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kr.Singh(APP)

2 28-04-2016

Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with Rajaun P.S. Case No. 262/15 for offences alleged under Sections 147, 148, 149, 323, 341, 332, 333, 379, 337, 338, 353, 307, 504, 506 of the Indian Penal Code, under Section 27 of the Arms Act and under Sections 4 and 40 of the Bihar Minor Mineral Concession Rules.

The prosecution case, as lodged by the informant, is that the petitioners along with others 150-200 in number raised objection against the action of the police and threw brickbats and stones to the police personnel in which several constables

sustained injuries.

It has been submitted by the learned counsel for the petitioners that they are innocent having not committed any offence and it was a mob of 150-200 people who raised objection against the police raiding party and started throwing stones and brickbatting. It has further been submitted that one of the chowkidar Devendra Paswan has named 10 persons including the petitioners, that was so because of some personal enmity against petitioner no. 1, who had falsely been implicated early by the police in Jagdishpur P.S. Case No. 129/12 under similar offence but was acquitted by the Sessions Court in Sessions Trial No. 768/13 on 09.01.2014. He further submits that although the said Devendra Paswan had named him in the First Information Report but in the statement before the police he did not furnish name of any accused.

However, learned APP for the State submits that although there is general and omnibus allegation being a mob attack but petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the allegation upon the petitioners is general and omnibus wherein the mob became violent, let petitioners, above named, in the event of their arrest or

surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Rajaun P.S. Case No. 262/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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