

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44477 of 2016

Arising Out of PS.Case No. -227 Year- 2016 Thana -SHERGHATI District- GAYA

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1. Mukesh Kumar @ Mukesh Singh, Son of Kamdeo Singh.
 2. Raja Kumar, Son of Late Bilash Singh.
 3. Mukti Kumar @ Badu, Son of Kamdeo Singh.
 4. Dablu Singh, Son of Jairam Singh.
 5. Rakesh Singh @ Rakesh Kumar, Son of Shuran Singh @ Chunnu Singh.
 6. Manish Kumar, son of Gajendra Singh.
 7. Vikash Singh @ Vikash Kumar, Son of Deonandan Singh.
 8. Praveen Vishwakarma, Son of Narsingh Vishwakarma.
 9. Gunjan Singh @ Gugun Singh, Son of Bhola Singh.
 10. Rohit Kumar, Son of Sanjeet Singh.
 11. Pawan Kumar, son of Jagannath Mistri.
 12. Gautam Kumar, Son of Ramashish Mistri.
 13. Tutu Kumar @ Tuitu Kumar, Son of Anil Singh.
 14. Shashi Kumar, Son of Ramdip Vishwakarma @ Ramasis Mistry.
 15. Avinash Kumar @ Bhutwa, Son of Santosh Singh.
 16. Anuj Singh @ Karu, Son of Late Bechu Singh.

All are resident of Village- Kathar, Police Station- Sherghati, District- Gaya.

.... 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 RAJENDRA KUMAR MISHRA
ORAL ORDER

2 27-10-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sherghati P.S. Case No.227 of 2016 registered under Sections 147, 149, 341, 342, 323, 307, 379, 435 and 353 of the

Indian Penal Code.

The prosecution case is that the Westlink Trading Private Company of which the informant was Director was engaged in extracting the sand from the filed. On 24.05.2016, the work of extracting the sand was going on at Mahuawa Ghat and several vehicles were standing there for loading the sand on the same. The informant was standing there to look the work of sand extracting. All of sudden, 250-300 villagers came at Balughat and started to abuse the drivers of the vehicles and to cause assault to them. The aggressive mob also snatched the mobile phone and money of the drivers of one loaded truck, three unloaded truck, two Poklene Machine and three unloaded Hiwa vehicle. The mob also poured kerosene oil on the vehicles and set the same on fire. Some persons of the mob were apprehended at the time of setting the vehicles on fire and about 72 persons including the petitioners were identified.

Learned counsel appearing on behalf of the petitioners submits that, in fact, the dead bodies of two boys were recovered from the Balughat regarding which Sherghati P.S. Case No.225 of 2016 was instituted against the staff of the Company engaged in extracting the sand at the Balughat and due to that reason, the villagers reached there and made protest and some villagers set the

vehicles on fire but with an ulterior motive, the name of the petitioners and others have been disclosed by the informant. Moreover, no specific overt act is attributed to the petitioners and the petitioners can only be said to be members of the mob. Further submission is that the petitioners are also accused in Sherghati P.S. Case No.224 of 2016, which was lodged for setting the vehicles of the police on fire, which is detailed in the present case.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Sherghati, Gaya, in connection with Sherghati P.S. Case No.227 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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