

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45314 of 2015

Arising out of PS.Case No. -123 Year- 2015 Thana -SINGHIYA District- SAMASTIPUR

1. AMIR HUSSAIN @ MD. AMIR HUSSAIN, S/o Late Nijam Hussain.
2. Shikan Paswan, S/o Late Dasai Paswan.
3. Ganesh Paswan, s/o Late Lakhan Paswan, all are residents of village- Lilhaul, P.S.- Singhiya, Distt.- Samastipur.
4. Vijay Paswan, S/o Jagdish Paswan, resident of village- Jalbara, P.S. Singhiya, Distt. Samastipur
5. Navi Hassan Nadaf s/o Late Ishaf Nadaf, Village- Goriyari, P.S.- Singhiya, Dist. Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Mira Kumari, Advocate.
For the Opposite Party : Mr. Upendra Kumar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-02-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Singhiya P.S. Case No. 123 of 2015 for the offences instituted under Sections 143, 144, 435, 511, 341, 353, 504 of the IPC and 5/6 of the Essential Service Maintenance Act.

The prosecution story, in brief, is that on 28.06.2015, the informant has got information that in village-Lilhaul near bridge Promod Sada aged about 27 years was succumbed in motor accident and the large number of people assembled there with



dead body of Pramod Sada and blocked the road demanded Rs.5 lacs as compensation. He alongwith other police officials reached there and on the statement of the wife of deceased, case was registered and made preparation for sending the body for postmortem. In the meantime, a mob of 100 persons came and blocked the road. He tried to pacify the matter but the mob were pressurizing to call superior officer. They were adamant to burn the police jeep and the vehicles which were standing on the road but due to intervention of the police party they could not burn the vehicles. However, after much intervention by the local person situation was controlled and removed the blockage. Thereafter, the local Chaukidar disclosed the name of persons who were indulged in the said road blockage as Vijay Paswan, Manjesh Paswan, Md. Mokhtar, Sagir Hussain, Subhan Paswan, Sikan Paswan, Baijnath Mukhiya, Md. Gulab and Navi Hasan Nadaf. He did not identify the rest persons. One Vijay Paswan was agitating the mob, as such, these accused persons along with 90 unidentified persons misbehaved with the police party and they tried to obstruct in discharging the public duty.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. From perusal of FIR itself it would appear that the entire mob was being led by

petitioner no. 4 Vijay Paswan. There is no specific allegation against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. No injury has been attributed against the petitioners nor any specific overt act has been alleged against them.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to petitioner no. 4, Vijay Paswan. The same is rejected.

So far as petitioner nos. 1, 2, 3 and 5, namely, Amir Hussain @ Md. Amir Hussain, Shikan Paswan, Ganesh Paswan and Navi Hassan Nadaf are concerned, they are directed to be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Singhiya P.S. Case No. 123/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Rosera, Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)