

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34960 of 2016

Arising Out of PS.Case No. -159 Year- 2016 Thana -BARARI District- KATIHAR

1. MD. SAKOOR @ MD. SAKUR S/o- Ainuddin
2. Md. Anwar S/o- Md. Jabir
3. Md. Tashlim S/o- Md. Jamal
4. Md. Saidur Rahman S/o- Abdul Mannan
5. Md. Fakruddin S/o- Mozaffar Ali
6. Maksood @ Maksood Alam S/o- Hazi Siddique, All R/o- Kathotiya,
P.S.- Barari, Distt- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sri Braj Kishore Prasad, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-09-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their his arrest in connection with Barari P.S.Case No. 159/2016 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 353 and 504 of the Indian Penal Code.

The prosecution case, in brief, is that on 05.06.2016 at about 6. 15 P.M Circle Officer, Barari received a message on his mobile from the Sub Divisional Officer, Barari that an accident has taken place at Kathautiya Gram between a

truck and motorcycle in which motorcycle rider died. When the informant reached that place, he found that a mob of 200 people blocked the road after keeping the dead body on road in which seven persons were identified, who obstructed the police work and resorted to rioting.

Learned counsel for the petitioners submits that they are innocent and have falsely been implicated in the aforesaid case. He submits that it was a mob attack and no offence can be attributable to the petitioners. He further submits that these petitioners have no criminal history as is evident from para-3 of this application and that Sections 307 and 353 of the I.P.C. is not applicable against them as they were only by standers.

However, learned A.P.P. for the State submits that petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the matter relates to mob attack and the allegation is general and omnibus, let the petitioners, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial

Magistrate, Katihar in connection with Barari P.S. Case No. 159/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

Sudha/-

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