

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33058 of 2016

Arising Out of PS.Case No. -59 Year- 2016 Thana -TARAPUR District- MUNGER

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Tabarak Khan Son of Afzal Khan Resident of Village- Milki Khanpur, P.S
Tarapur, District Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Tarapur P.S. Case No. 59/16 for offences alleged under Sections
147, 148, 149, 109, 326, 333, 337, 307, 353 of the Indian Penal
Code and under Section 34 of the Prevention of Damage to Public
Property Act.

The prosecution case, as lodged by the Circle
Officer, Asarganj, is that during counting of votes for election in
the Zila Parishad, the petitioner along with his supporters being a
mob of 400 persons and some others were identified through
videography by the Chowkidar obstructing the Government
officials in their official work for 5-6 hours and resorting to brick-

batting and also burnt a shop.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case due to village politics. The incident occurred due to mob attack and the Investigating Officer has not noted down any sign of burn of the shop and destruction of public property and blockade of road by the petitioner, who is husband of a contesting member of Zila Parishad. He further submits that no overt act can be specifically attributable to the petitioner and he has no criminal history, as is evident from paragraph 3 of this petition.

However, learned APP for the State submits that the petitioner has been identified by the Chowkidar in the mob, hence, opposes the prayer for bail.

Be that as it may, since the allegation is of mob attack and no overt has been attributed against the petitioner, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Sunil Kumar Singh, learned Judicial Magistrate 1st Class, Munger, in connection with Tarapur P.S. Case No.

59/16, subject to the conditions as laid down under Section 438(2)

Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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