

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33065 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -DHANSOI District- BUXAR

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Dhananjay Rai @ Dhananjay Kumar Rai, Son of Late Ashok Nath Rai
Resident of Village- Awathahi, Police Station- Bhawarkol, District
Ghazipur (U.P.) Presently residing at Village- Katharai, Police Station -
Dhansoin, district Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-08-2016

Heard learned counsel for the petitioner and

learned Special PP for the State.

Petitioner apprehends arrest in connection with
Dhansoin P.S. Case No. 48/16 for offences alleged under Sections
147, 148, 149, 186, 189, 307, 324, 332, 467, 333, 341, 353, 427,
379, 506 of the Indian Penal Code and under Sections 3(i)(x) of
the SC/ST (Prevention of Atrocities) Act.

The prosecution case is that the police team
had gone for removing the encroachment by dismantling the wall
in pursuance to the order of this Court, in the meantime, petitioner,
named accused Rajesh Kumar Rai, mother of Shyam Narain
Kamkar Dev Muni and his wife Maya Devi instigated the mob not

to allow removal of encroachment and also abused the informant by caste name. There were 32 named accused and 100 unknown.

It has been submitted by the learned counsel for the petitioner that the petitioner belongs to SC/ST community so the allegation of calling caste name is totally false. He further submits that there is general and omnibus allegation and there was a mob attack.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there was general and omnibus allegation and there was mob attack, 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 learned Chief Judicial Magistrate, Buxar, in connection with Dhansoin P.S. Case No. 48/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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