

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27461 of 2016

Arising out of PS.Case No. -234 Year- 2015 Thana -FALKA District- KATIHAR

1. Vikash Kumar Choudhary @ Vikas Kumar, Son of Late Upendra Choudhary.
2. Bimal Kumar Ray, Son of Late Biso Ray @ Late Bishwanath Ray.
3. Lalit Kant Jaiswal @ Lali Kant Jaiswal, Son of Late Biso Ray @ Late Bishwanath Ray.
4. Kash Kumar Ray @ Akesh Ray @ Akash Kumar, Son of Madhusudan Ray.
5. Amrendra Kumar Mandal @ Panku Mandal, Son of Dinesh Mandal.
6. Ramanand Mandal, Son of Sahdeo @ Satyadeo Mandal.
7. Babujan Ray, Son of Dinesh Ray.
8. Dinesh Ray, son of Kishor Ray. All the Petitioner no. 1-8 are the Resident of village- Chhohar,P.S. Falka (pothia) District-Katihar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Jibendra Mishra, Advocate.
For the Opposite Party : Mr. Md. Ashlam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-07-2016 It has been submitted on behalf of the petitioners that the petitioner nos. 2 and 3, namely, Bimal Kumar Ray and Lalit Kant Jaiswal @ Lalikant Jaiswal respectively, have been arrested during the pendency of this application.

The application on behalf of petitioner nos. 2 and 3 above named is, accordingly, dismissed as withdrawn.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Falka (Pothia) P.S. Case No. 234 of 2015 (G.R. No. 2733/2015) for the offences instituted under Sections 147, 149, 341, 323, 332, 324, 353, 307 of the IPC and 7 of the E.C. Act.

The prosecution story, in brief, is that when the informant seized some sacks of rice and maize grain of F.C.I. from the Government Community Hall then all the F.I.R. named accused persons alongwith other 150 people surrounded and attacked over the informant and others with intention to kill them in which some persons of police force have been brutally injured and they sustained with blood and the persons have protected their arms and they control themselves and they have brought loaded tractor at the police station. After verification, all the seized grain was found with 20 bags of rice mark of F.C.I. and 05 bags of maize grain, the total quantity of the rice was 200 quintal in the F.C.I. bags and 05 bags of maize grain in total 2.50 quintals which were kept in safe custody and prepared seizure list.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. Altogether 09 persons have been named in the F.I.R. as accused alongwith 150 unknown persons. The occurrence is said to have taken place when the

informant had gone to get the Community Hall of the Village vacated. The said Community Hall was being used by the villagers for storing food grains so that the same may not get damaged due to bad weather. On the said act of the informant a protest was made by the villagers and free fight is said to have taken place. There is no injury report to support the allegation of the police officer being injured in course of occurrence.

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, let the petitioners except petitioner nos. 2 and 3 above named, 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 Falka (Pothia) P.S. Case No. 234/2015 (G.R. No. 2733/2015) 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 A.C.J.M.-V, Katihar, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)