

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31117 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -BHADAUR District- PATNA

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1. Bhushan Mahto @ Shashi Bhushan Prasad
 2. Sunil Mahto Both Son of Brij Mahto @ Brij Nandan Mahto
 3. Munna Mahto
 4. Bablu Kumar Both Son of Loha Singh
 5. Guddu Mahto @ Guddu Kumar Son of Nawal Mahto All Sr. No.1 to 5 resident of village - Khushahal Chak, P.S.- Bhadaur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate.

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 23-08-2016 Heard both sides.

A known criminal was reported taking shelter in the village. The informant along with the police party went to apprehend him. In doing so the petitioners who are named in the First Information Report acting actively obstructed in due discharge of the duty inasmuch assaulted the informant and got the arrested accused persons released and escaped. Accordingly, they are facing accusations punishable under Sections, 143,341,323,224, 225, 353 and 504 of the IPC vide Bhadaur (Barh) P.S. case no.19/16

Contention of the petitioners is that how the

informant in the mob of 150 accused persons identified the petitioners is not apparent from the First Information Report. It is the mob who actually obstructed the informant in due discharge of his duty. There is no serious injuries sustained by the informant.

Learned APP referring to the FIR opposed the prayer and contended that not only the petitioners exhorted the mob assembled there to obstruct but also actively participated in the obstruction of duty of the informant and they succeeded in releasing the arrested accused.

Looking to the facts of the case, in my view, it is not a fit case for grant of anticipatory bail. Prayer is accordingly, rejected.

Needless to observe that if the petitioners surrender and seek bail, the court below shall consider their application(s) for bail on its own merit unprejudiced by the present order.

(Kishore Kumar Mandal, J)

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