

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37458 of 2016

Arising Out of PS.Case No. -191 Year- 2015 Thana -RIVILGANJ District- SARAN

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1. Gorakh Singh @ Ashwathama Kumar S/o Late Chandrama Singh
resident of village - Inai, P.S. Rivilganj, District Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-09-2016

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Rivilganj P.S.Case No. 191 of 2015 registered for offences
punishable under Sections 147, 148, 149, 341, 323, 324, 302, 307
and 427 of the Indian Penal Code.

The prosecution case, in brief, is that in emersion
procession of the statue of Goddess Durga, the petitioner along
with 30-35 unknown persons started misbehaving with the girls
and other accused, who were also dancing in the procession. On
protest, the petitioner along with other co-accused started
assaulting by means of bricks and also with fists and slaps and by
sharp weapons as a result of which, the brother of the informant
got injured, which resulted in his death. It has been submitted by
the learned counsel for the petitioner that he was a member of

mob and general and omnibus allegation has been levelled against him. He submits that there is no criminal history against him as is evident from para-3 of this application and that no specific overt act is attributed against the petitioner.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since the allegation is general and omnibus allegation has been levelled against the petitioner and there was a mob attack and that similarly situated co-accused have since been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court passed in Cr. Misc. No. 410 of 2016 and its analogous case dated 17.03.2016, let the 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 bonds of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- VIII, Saran at Chapra in connection with Rivilganj P.S.Case No. 191 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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