

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41508 of 2016

Arising Out of PS.Case No. -147 Year- 2016 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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1. Jai Prakash Yadav, Son of Late Binda Singh,
2. Varun Yadav, Son of Dev Narayan Yadav,
3. Dular Yadav, Son of Rajo Yadav,
4. Ramjoty Yadav @ Ramjot Yadav Son of Narayan Yadav
All are resident of Village- Kichni, P.S.- Harnaut, District- Nalanda.
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 17-10-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a case registered for the offences punishable under Sections 147/148/149/171(C)/171(E)/188/ 341/ 342/ 323/ 332/ 333/ 337 /338 /307/353/395 of the Indian Penal Code and Section 27 of the Arms Act and Section 130 of the Bihar Panchayat Raj Act, 2006.

Learned counsel for the petitioners submits that admittedly, there were two groups present at the time of election and a huge mob gathered which consisted of supporters of both the candidates, namely, Indu Devi and Chamcham Devi. The petitioner and his associates are also said to be members of the mob who had gathered at the place of occurrence. There was

mass scale stone pelting which has caused injuries. However, a perusal of the First Information Report clearly reveals that though, petitioners were present, there was no overt act on their part. It is further submitted that the allegations are general and omnibus in nature and some other co-accused persons have been extended the privilege of anticipatory bail. The wife of the petitioner No. 1 Indu Devi has since been extended the privilege of anticipatory bail.

Having considered the fact that no specific overt act has been attributed to the present petitioners and that the petitioners have no criminal antecedent and further because the dispute had arisen merely on account of political rivalry at the elections, let the petitioners above named, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Haranaut P.S. Case No. 147/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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