

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35048 of 2016

Arising Out of PS.Case No. -78 Year- 2015 Thana -GURARU District- GAYA

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Bhola Kumar Son of Om Prakash Gupta @ Gopi Sao, Resident of Village-
Jagdishpur Colony, Babhalpur, P.S. Guraru, District- Gaya.

... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-09-2016 Learned counsel for the petitioner is permitted to make

necessary correction in the prayer portion of this application in

course of the day.

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

for the State.

The petitioner apprehends his arrest in connection with

Guraru P.S. Case No. 78 of 2015 for the offences alleged under

Sections 147, 148, 149, 341, 342, 323, 324, 353, 333, 337, 427,

307, 188,504,506,109 and 115 of the Indian Penal Code and

Section 27 of the Arms Act.

The prosecution case is that the informant received

information that one dead body was lying near the railway track at

Guraru Railway Station upon which the informant along with

police personnel reached there and found the deadbody lying there



and when the police officers were going to Magadh Medical Hospital with the deadbody and reached at Guraru Chini Mill Gate, the petitioner and other accused persons stopped the vehicle of the police and assaulted them by means of lathi, danda and brick-bats in which they sustained injuries. Later the accused persons fled away. The police seized lathi, danda, bicycles, and three empty cartridges from the place of occurrence. The seizure list was also prepared.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and there is general and omnibus allegation against him. He submits that it was a mob attack and about 200 people along with 23 named accused persons including the petitioner were there. He submits that the petitioner is a student of class +2 and that he has no criminal history as is evident from Para 3 of this application. He also submits that other co-accused have been granted privilege of anticipatory bail by a coordinate Bench of this court in Cr. Misc. No. 10085 of 2016 dated 10.03.2016 and Cr. Misc. No. 17883 of 2016 dated 05.05.2016.

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

Be that as it may, since the allegation is general and

omnibus, there was a mob attack and other co-accused have been released on bail, let the petitioner, above named in the event of his arrest / surrender before the learned court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya in connection with Guraru P.S. Case No. 78 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

However, it is made clear that the petitioner will cooperate with the investigation and appear before the police/Court as and when required and failure to do so on two consecutive dates without assigning any reason, the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J)

Prakash/-

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