

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41308 of 2016

Arising Out of PS.Case No. -90 Year- 2016 Thana -KADWA District- KATIHAR

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1. Shailesh Ghosh S/o Arun Kumar Ghosh
 2. Lukka Jha S/o Anil Jha
 3. Ravi Shankar Jha S/o Kameshwar Jha
- All are resident of village - Nungara, P.S. Kadwa, District Katihar
4. Basudeo Kewat S/o Shibu Kewat Resident of village - Raniganj, P.S. Kadwa, District - Katihar
 5. Pappu Bishwas S/o Chitaranjan Bishwas resident of village - Kadwa, P.S. Kadwa, District Katihar
 6. Laxman Singh S/o Mangal Prasad Singh resident of village - Diyari, P.S. Kadwa, District Katihar
 7. Mohan Mandal S/o Late Ramu Mandal
 8. Raju Kewat S/o Prayag Kewat
 9. Ganesh Kewat S/o Late Laxmi Kewat
 10. Radheshyam Kewat S/o Bengali Kewat
- All are resident of village - Dokhada, P.S. Kadwa, District - Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.
For the Opposite Party/s : Mr. Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-10-2016

Heard both sides.

The petitioners, 10 in number, apprehend their arrest in Kadwa P.S. Case No. 90/2016 registered under Sections 435, 153(A), 353, 337, 307 and other sections of the Indian Penal Code.

For the killing of one Naresh Kewat, Kadwa P.S. Case No. 88/2016 was registered under Section 302 and other sections of the Indian Penal Code against Naimul Haque. The informant of the case alleged that while Naresh Kewat was



returning, Naimul Haque and others assaulted him and he fell down on the ground. While Naresh Kewat was being taken to the hospital he died. It is submitted that Manwara Khatoon, the wife of Naimul Haque, filed Kadwa P.S. Case No. 89/2016 alleging therein that the petitioners and other accused persons assembled near her house with the dead body and they pelted stones and ransacked the entire house. The accused persons also looted away different articles worth rupees 20 lacs. For the same incident, the Block Development Officer, Kadwa lodged the present case making same and similar allegations that a strong mob had assembled in front of the house of Naimul Haque and they were taking the law in their hands. They ransacked the house of Naimul Haque and also burnt public property.

Learned counsel for the petitioners submits that there is no specific allegation against the petitioners. The informant alleged that about 400 – 500 persons assembled at the place where the dead body of Naresh Kewat was kept. The petitioners are, of course, named in the F.I.R. but no specific allegation is made against them. It was the natural outburst of the villagers of Naresh Kewat because he was brutally killed. Similarly situated nine accused persons, namely, Krishna Kewat @ Kishan Kewat and others have been granted anticipatory bail vide order dated

19.10.2016 passed in Cr. Misc. No. 42571/2016. The case of the petitioners stands on the same footing.

Considering the facts aforesaid, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail 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. IV, Katihar in Kadwa P.S. Case No. 90/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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