

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35089 of 2016

Arising Out of PS.Case No. -99 Year- 2016 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

1. Subhas Bharti S/o Harinandan Ram resident of Village- Khatolwa, P.S.
Kalyanpur, Distt- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar-2 , A.P.P.-71

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-09-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kalyanpur P.S.Case No. 99/2016 registered for offences
punishable under Sections 147,148, 149,353, 307,133, 188 and
337 of the Indian Penal Code .

The prosecution case, in brief, is that the informant
while deputed as Magistrate on counting duty at Bakarpur Middle
School counting centre. In the meantime, about 300 persons armed
with lathi, danda and stone chips entered into the campus, on
which informant restrained them as provision of Section 144 Cr.
P.C. had been imposed but they forcibly entered into the campus,

then S.H.O., Pipra P.S., namely, Shri Raj Kumar, Chaukidar Nandlal Rai and P.T.C. Constable Bishwanath Goswami tried to stop them, but they caused serious head injury to the police force and after that, matter subsided with intervention of the additional police force. The petitioner and other named co-accused persons were involved in the alleged occurrence along with the mob.

It has been submitted by the learned counsel for the petitioner that he is innocent and has no criminal history as is evident from para-3 of this application. He submits that he was himself a candidate for the post of Mukhiya and had taken an entry ticket for entry in the premises, where the occurrence took place. He further submits that there was a mob of 300 people and the mob became violent and resorted to stone pelting in which eleven persons including the petitioner have been named. He submits that the allegation upon the petitioner is general and omnibus and the injury on the constable, deputed at the place of occurrence, is found to be simple in nature.

However, learned A.P.P. for the petitioner has submitted that the petitioner is alleged to have instigated the mob, hence, opposes the prayer for bail.

Be that as it may, since it was a mob attack and the allegations are general and omnibus, let the above named

petitioner 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 the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Kalyanpur P.S.Case No. 99 of 2016, subject to the conditions as laid down under Section 438 (2) Cr. P.C.

It is made clear that the petitioner will co-operate with the investigation and would appear before the police/court as and when required and on failure to appear on two consecutive dates without any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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