

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37434 of 2016

Arising Out of PS.Case No. -22 Year- 2016 Thana -GOPALPUR District- BHAGALPUR

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Sonu Kumar Thakur @ Sonu Thakur, Son of Suman Kumar Thakur, R/o
Village- Rangara, P.S.-Goplpur (Rangara), District Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Yogendra Prasad Sinha, Advocate

For the Opposite Party : Mr. Ajay Kumar -2 (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-09-2016 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends arrest in connection with
Gopalpur (Rangara) P.S. Case No. 22 of 2016 for offences alleged
under Sections 147, 148, 149, 153A, 341, 337, 338, 504, 307 of
the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that on 31.01.2016 the father
of the informant died. The informant and others went to cremate
the dead body at *Kabristan* then accused persons named in the FIR
including the petitioner variously armed with lathi, sword, bricks
and stones came there and started abusing and assaulting the
informant and others. On protest, accused Atul Singh opened fire
and due to fear, the informant and the persons present there fled

away. In the meantime, police came there and in presence of police officials, the cremation of dead body of the father of the informant was done.

It has been submitted by the learned counsel for the petitioner that there was some fighting between two communities. There are twenty four persons named in the First Information Report. Fact is that the informant was cremating the dead body not in the Kabristan but near the temple for which such occurrence took place. He submits that there is general and omnibus allegation against him and firing has been attributed by one Atul Singh and not the petitioner. He submits that the petitioners' side had lodged Gopalpur (Rangra) P.S Case 21 of 2016 and the present case is a counter blast to the earlier case. He also submits that except in Gopalpur (Rangra) P.S. Case 22 of 2016 which was lodged for the same occurrence by the informant's side, the petitioner has not been made accused in any other case and that he is a student. He submits that no case under Section 307 of the Indian Penal Code or Section 27 of the Arms Act is made out against him.

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

Be that as it may, since there is general and omnibus allegation and there was fight between two communities and that there is no allegation of assault by the petitioner, let 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Naugachia, in connection with Gopalpur (Rangra) P.S. Case No. 22 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

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