

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37333 of 2016

Arising Out of PS.Case No. -204 Year- 2015 Thana -DULHIN BAZAR District- PATNA

1. Surendra Yadav Son of Late Ramlakhan Yadav resident of Village-Rikhi Tola. P.S.- Dulhin Bazar, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-09-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Dulhin Bazar P.S.Case No. 204 of 2015 registered for offences punishable under Sections 147, 148, 149, 341, 323, 283, 332, 333, 307, 353, 427, 152 and 504 of the Indian Penal Code.

The prosecution case, in brief, lodged on the basis of self written statement of one Akhilesh Kumar, Sub Inspector, Dulhin Bazar P.S. is that on 18.12.2015 a truck dashed a person resulting in his death, for which a mob of about 100 including 34 named co-accused for resorted to attack on the police personals.

It has been submitted by the learned counsel for the petitioner that he is not named accused and allegations against



petitioner is general and omnibus. He submits that the petitioner has no criminal history, as is evident from para-3 of this application. He further submits that the petitioner is not named in the F.I.R. but on the confessional statement of co-accused Jitendra @ Lola Kahar and Vijendra Kumar, his name surfaced during investigation. He submits that some of the co-accused named in the F.I.R. has since been granted privilege of bail by a Co-ordinate Bench in Cr. Misc. No. 16164 of 2016 dated 02.05.2016 and in Cr.Misc. No. 21328 of 2016 and analogous cases dated 25.05.2016.

However, learned A.P.P. for the State submits that although the petitioners have not named in the First Information Report, but during investigation his name surfaced, hence, opposes the prayer for bail.

Be that as it may, since the allegations are general and omnibus , there was a mob attack and other similarly situated persons have since been granted the privilege of bail, let the 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 bonds of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- III,

Danapur, Patna in connection with Dulhin Bazar P.S. No. 204 of 2015,subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

Sudha/-

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