

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57384 of 2015

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

1. Jitendra Rajak Son of Ram Bilas Raja Resident of Bahbalpur Tola Kailashpur, P.S. Guraru, P.O. Guraru, Distt. - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal
Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Arbind Kumar Pandey (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-01-2016 Heard learned Senior counsel Mr. Nawal Kishore Agrawal alongwith Shri Dhananjay Nath Tiwary for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Guraru P.S.Case No. 78/2015, G.R. No. 5133/2015 registered for offences punishable under Sections 147, 148, 149, 341, 342, 323, 324, 353, 333, 337, 427, 307, 188, 504, 506, 109, 115 of the I.P.C. and 27 of the Arms Act.

The prosecution case is that the petitioner and twenty two others F.I.R. named accused and some other unnamed persons obstructed the police officials and police party from taking away the dead body of a boy for holding post mortem and in

course thereof, they not only indulged in brick batting and stone pelting but also caused damage to the public property in which the mob being led by this petitioner and others because so furious and uncontrolled that police had even opened firing in the air to disperse them and only thereafter the mob so indulged in illegal activities could be dispersed.

It has been submitted by the learned counsel for the petitioner that there were about 200 unknown persons and 23 including the petitioner, named in the F.I.R.

Furthermore, it has been submitted that it was a mob attack for which no overt act can be attributable only to the petitioner. It was on the basis of identification made by Choukidar of the locality that the petitioner and other co-accused have been identified and named in the F.I.R. Furthermore, it has been submitted that the petitioner has no criminal antecedent as is evident from para-3 of the petition.

Considering the fact that there are omnibus and general allegations against the petitioner as there is mob attack, in such circumstances, let the 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) with two sureties of like amount each to

the satisfaction of Sri Jyoti Prakash, learned Judicial Magistrate,
1st class, Gaya in connection with Guraru P.S.Case No. 78/2015,
G.R. No. 5133/2015, subject to the conditions laid down under
Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--