

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57616 of 2015

Arising Out of PS.Case No. -285 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)

SHAMIM AHMAD @ MD. SHAMIM AHMAD Son of Md. Ahmad
Resident of village- Gara, P.s Kochas, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 14-01-2016 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with Karaghar P.S. Case No. 285 of 2015 registered for offences punishable under Sections 341/323/504/506/143/145/147/149/152/153/186/188/353/307 of the Indian Penal Code and Section 125 and 126 of the representation of Peoples Act, 1951.

The prosecution case is that on 15.10.2015 at 2.30 P.M. in Sidhi OP, the inquest report of Pappu Kumar Ram, who was killed, was being prepared meanwhile the BSP candidate Karaghar Vidhan Sabha, Shamim Ahmed (petitioner) and Baspa leader Moti Ram, Isha Mian, Firoz Mian, Sarfu Mian, Nirmal Ram along with 50-60 unknown persons entered into campus of Police Station and made murderous attack on the Police personnel by using abusive language.



It is further alleged that the deadbody of Pappu Kumar was taken away and placed on the road causing traffic hindrance. The Police personnel tried to pacify but they did not listen and they called other supporters raising their strength of 100-150. It is further alleged that the S.D.O. Sasaram, Police Inspector, Sasaram, Officer-In-Charge of different Police Station, B.D.O., C.O., Karaghar tried to convince them but they did not concede. After three hours at 5.30, the road was cleared and dead body of Pappu Kumar Ram was sent for postmortem. Thus the persons named in F.I.R. including the petitioner who was a contesting candidate in elections prevented the traffic by putting the deadbody causing hindrance to the Government work during election period and also inflicted life threatening blows on the police.

It has been submitted by the counsel for the petitioner that no case under Section 307 is made out against him. It has further been submitted that no overtact has been attributed against the petitioner as there was a mob of about 100-150 persons although 6 persons including the petitioner has been named in the First Information Report. The counsel for the petitioner emphasises that there is no injury caused on any person or on police officials, neither there is any injury report. Furthermore, it has been

submitted that the petitioner has no criminal antecedent as is evident from paragraph No. 3 of this petition.

Be that as it may, let the abovenamed petitioner, Shamim Ahmad in the event of his arrest / surrender within a period of eight weeks from today before the Court below be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Karaghar P.S. Case No. 285 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Nilu Agrawal, J)

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