

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45618 of 2016

Arising Out of PS.Case No. -88 Year- 2016 Thana -GAMAHARIYA District- MADHEPURA

1. Manoj Bhagat @ Murli Bhagat, Son of Late Bhagwat Bhagat
2. Ramashankar Sah, Son of- Baikunth Sah, Both Resident of Village-
Gamharia, P.S.- Gamharia, District- Madhepura.

.... .. Petitioners

Versus

The State of Bihar

.... .. Opposite Party

Appearance :

For the Petitioners : Mr. Shekhar Kumar Singh, Advocate.

For the Opposite Party : Mr. Akbar Ali, APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-11-2016

Heard both sides.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail of petitioner no. 1 Manoj Bhagat @ Murli Bhagat. Accordingly, anticipatory bail of petitioner no. 1 Manoj Bhagat @ Murli Bhagat is dismissed as withdrawn.

The petitioner no. 2 Ramashankar Sah apprehend his arrest in Gamharia P.S. Case No. 88 of 2016 registered for the offences punishable under Sections 353, 307 and some other Sections of the Indian Penal Code.

The SHO of Gamharia police station alleged that there was prohibitory order under Section 144 of the Code of Criminal Procedure but the supporters of defeated candidate of Mukhiya came and tried to sit on Dharna when police did not allow them to sit there, in view of the prohibitory order, they started pelting stones.

Learned counsel for the petitioner submits that altogether

three cases were lodged being Gamhariya P.S. Case No. 88 of 2016, Gamhariya P.S. Case No. 87 of 2016 and Gamhariya P.S. Case No. 81 of 2016. The present case Gamhariya P.S. Case No. 88 of 2016, was registered by the SHO and other two cases were registered by the C.O. and the B.D.O. of Gamhariya Block. No specific allegation is made against the petitioner. About 19 persons are named and 2000 unknown are said to have assembled. The mob was demanding for re-conducting of election for the post of Mukhiya and other posts.

Considering the facts that no specific allegation is made against the petitioner no. 2 and he is simply a co-villager, the petitioner no. 2 Ramashankar Sah, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Madhepura in Gamharia P.S. Case No. 88 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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