

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54282 of 2016

Arising Out of PS.Case No. -87 Year- 2016 Thana -GAMAHARIYA District- MADHEPURA

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1. Umesh Yadav, son of - Late Pancham Yadav, Resident of Village- Fulkaha, P.S.- Gamharia, District- Madhepura.
 2. Ravindra Yadav, Son of Late Dhaniklal Yadav,
 3. Shankar Ram, Son of Ganeshi Ram, Both R/o village- Itwam, P.S.- Gamharia, District- Madhepura.
 4. Hariom Yadav, Son of Subhash Yadav @ Jai Prakash Yadav, Resident of Village- Jogbani, P.S.- Gamharia, District- Madhepura.
 5. Ramchandra Ram, Son of Shivan Ram, R/o Village- Aurahi Akparaaha, P.S.- Gamharia, District- Madhepura.
 6. Md. Sarfaraj Alam @ Sarfaraj Alam, Son of Jalal Mian, Resident of Village- Suryagan, P.S.- Gamharia, District- Madhepura.
 7. Alishan Mian, Son of Late Kamoddin Mian, Resident of Village- Chandanpatti, P.S.- Gamharia, District- Madhepura.
 8. Amin Mian, Son of Late Jamil Mian, Resident of Village- Laxminina Chandanpatti, P.S.- Gamharia, District- Madhepura.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Gamharia P.S. Case no.87 of 2016, registered under Sections 147, 148, 149, 341, 342, 348, 353, 325, 386, 387, 307, 506 and 333 of the Indian Penal Code.

The accusation is that on 06.06.2016 at about 10.00 A.M. defeated candidate of Mukhiya along with his supporters were sitting on Dharna outside the premises of block office and when the



informant was going to his residence after official duty then about 5000 persons entered in the premises of block office and surrounded the informant and threatened to kill him, if the re-election is not done. Thereafter, the mob, including the petitioners, caught hold the informant and caused assault and got signature on blank papers. The mob also blocked the road raising slogans against the Police administration. On receiving information, when ASP reached there then members of the mob surrounded him. Thereafter, informant came to know from the staff of block office that petitioners and others were the members of the mob.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that while petitioners are named in the F.I.R., but no specific overt act have been attributed against the petitioners. Further submission is that Kartik Yadav along with 18 others named in the F.I.R. have already been granted Anticipatory bail on 28.11.2016 passed in Criminal Miscellaneous No. 50236 of 2016 by a co-ordinate Bench of this Court. Further submission is that petitioner Nos. 1, 3 and 4 are accused in one case, as detailed in para-03 of the petition, but they are on bail, whereas petitioner Nos. 2,5,6,7 and 8 have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of the A.C.J.M-IV, Madhepura in connection with Gamharia P.S. Case No.87 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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