

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28063 of 2016

Arising Out of PS.Case No. -44 Year- 2013 Thana -MANIHARI District- KATIHAR

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1. Md. Zahangir @ Zahangir S/o SK. Samir R/o Meer Tola, Kumaripur,
P.S. Manihari, Distt. - Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 27-07-2016 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 326, 307, 353, 427, 120B of the Indian Penal Code.

Prosecution case is that on 4.04.2013, while the informant being Officer In-charge of Manihari police station was conducting vehicle check, he received information about a dead body lying in maize field. On being received information, the informant along with police force reached to the alleged maize field where a dead body of female was found and apprehended on Md. Islam, who was suspected to be the assailant. Thereafter, the



inquest report was prepared and the dead body was sent to Sadar Hospital, Katihar, for post-mortem but in the way the dead body was taken by the family members of the victim to the house of the victim. Thereafter, the mob put the dead body on Manihari and Katihar main road, obstructed the main road and raised slogans against the police. When the police reached on the spot then they attacked on the police and pelted stones, as a result, several police personnel received injuries.

It is submitted by learned counsel for the petitioner that the FIR has been registered against 35 named and 200 unknown. The petitioner was not named in the First Information Report. In fact, the mob protested against the inaction of the police, hence, the police lodged the present case. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. It is further submitted that co-accused Kasim @ Syed Kasim has been granted anticipatory bail vide Criminal Miscellaneous No.41510/2013.

Considering the accusation against the mob and the petitioner having no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten

thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Katihar, in connection with Manihari P.S. Case No.44/2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Since the case is of 2013 and the present anticipatory bail has been preferred by the petitioner in 2016, the learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he fails to co-operate in the investigation and defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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