

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40281 of 2016

Arising Out of PS.Case No. -125 Year- 2015 Thana -CHARPOKHARI District- BHOJPUR

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Kailash Pathak aged about 54 years son of Late Laxmi Pathak, resident of
Village- Thakuri, Police Station- Charpokhari, District- Bhojpur at Ara.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Ranjan, Advocate

For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-10-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Charpokhari P.S. Case No. 125 of 2015 registered for the offence

punishable under Sections 147, 148, 149, 341, 323, 448, 427, 436,

395, 307 and 354 of the Indian Penal Code and Section 27 of the

Arms Act.

The prosecution case is that the petitioner along

with other co-accused persons variously armed entered into the

house of the informant and committed dacoity and thereafter set

her house on fire.

It has been submitted by the learned counsel for

the petitioner that he is innocent and there are as many as 56

named accused and there was mob of about 100 people, hence, the allegation is general, vague and omnibus. He further submits that it was a mob, which attacked in the dead of the night and accused persons could not be identified and that there is no specific allegation against the petitioner.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since it was a mob, which attacked and the allegations being general and omnibus, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Ara, Bhojpur in connection with Charpokhari P.S. Case No. 125 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that since the petitioner is also accused in a number of cases registered under various sections of the Indian Penal Code and Section 27 of the Arms Act, as such, in future, if he is found to have indulged in similar nature

of offence, learned Court below will be at liberty to cancel his bail bonds without being prejudiced with this order.

(Nilu Agrawal, J.)

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