

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28276 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -PUPRI District- SITAMARHI

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1. Mahesh Giri Son of Sahdeo Giri
2. Md. Taiyab Rain Son of Majeed Rain
3. Aasim Rain @ Assen Rain Son of Md. Sadik Rain
4. Suresh Giri Son of Balchand Mukhiya
5. Arun Mukhiya Son of Balchand Mukhiya
6. Chande Paswan @ Chandra Deo Paswan Son of Palat Paswan All
residents of village - Singiyahi, P.S. Pupri, District - Sitamarhi. Petitioner/s
Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Sri Madhuranand Jha

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 14-07-2016 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, 454, 341, 323, 354, 379, 380, 427, 504 of the Indian Penal Code.

The prosecution case is that on 27.04.2016 some altercation took place between auto driver of village Baura and villagers of Singiyahi in connection with a dispute with regard to fare. On 28.04.2016 while the informant was sitting at his door with his wife and children 27 FIR named accused persons, including the petitioners, and 200 unknown persons came with deadly weapons and started abusing the informant. The accused persons entered into the house of informant but the informant flee away from back door. It is further alleged that accused Ram Babu

Sharma snatched gold chain from the wife of informant. The accused persons dismantled and robbed the house of informant. Loss caused to the informant was to the tune of Rs. 25 lacs.

It is submitted by the learned counsel for the petitioners that the accusation is omnibus and general against 27 FIR named accused persons and 200 unknown. Though, there is accusation of making assault in the FIR but the learned Sessions Judge quoted injuries in the impugned order and the injuries, prima facie, appear to be superficial in nature. The police Inspector also lodged a case for the same incident, being Pupri P.S. case No. 72 of 2016, wherein petitioners are also made accused.

Considering the omnibus and general accusation against a mob, 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 twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Pupri, Sitamarhi in connection with Pupri P.S. Case No. 71 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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