

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40351 of 2016

Arising Out of PS.Case No. -71 Year- 2007 Thana -KASIMBAZAR District- MUNGER

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1. Sonu Sah Son of late Narayan Sah Resident of Mohalla- Dutta Colony,
Betwan Bazar, PS Kasim Bazar, District Munger.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-10-2016

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner apprehends his arrest in connection with Kasimbazar P. S. Case No. 71 of 2007 for offences alleged under Sections 147, 148, 149, 307, 337, 353 of the Indian Penal Code, Section 27 of the Arms Act and Section 3/5 of the Explosive Substance Act.

The prosecution case as lodged by the informant is that on the date of occurrence, the informant alongwith police personnel was conducting patrolling in Nagar Parishad election, meanwhile a telephonic message of DDC, Munger was received regarding sensitive booth No. 32, that some miscreants want to capture the said booth. On that message, he alongwith his associates reached near the said booth. Then he saw about 100-150 miscreants who came with bombs and resorted to firing and also throw bricks. Then, the informant tried to stop the



miscreants for such activities but they did not stop, ultimately, the informant gave order to his associates to start firing upon the miscreants on which police personnel have fired five rounds. Further, he has stated that after the election, they came back but did not go to the place of occurrence because that was a congested gali and the situation was tense but no injury or casualty was reported.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in the aforesaid case. He submits that prior to this case, for the same occurrence, another case was registered against the petitioner and other co-accused bearing Kasimbazar P.S. Case No. 70 of 2007 under the same sections of the Indian Penal Code, Arms Act and Explosive Substance Act, in which he was granted the privilege of anticipatory bail by this Court in Criminal Miscellaneous No. 21161 of 2013, where the petitioner was named in the F.I.R. and there was specific allegation that he had inflicted fire arm injury on the deceased Md. Akhtar. It has further been submitted that in the present case, the petitioner has not been named in the F.I.R. and there was no injury report although there was a mob of about 100-150 people who had assembled and the petitioner's Bhabhi (sister-in-law), who was one of the contestants for the

Municipal Election. It has further been submitted that it is only on the basis of political rivalry, one injured Md. Rabbani and witness Md. Ekram has named the petitioner. He submits that only general and omnibus allegation has been made and there was a mob attack.

However, the learned APP for the State submits that the petitioner although not named in the F.I.R. but injured one Md. Rabbani and the witness has named the petitioner, hence, opposes the prayer of bail.

Be that as it may, since the allegations are general and omnibus and there is political rivalry and a mob attack, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with GR No. 801/07 arising out of Kasimbazar P. S. Case No. 71 of 2007, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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