

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8004 of 2016

Arising Out of PS.Case No. -247 Year- 2014 Thana -PARWATTA District- KHAGARIA

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Pochi Mishra @ Dhananjay Mishra, S/o Kapildeo Mishra, resident of
village - Dumaria Bujurg, P.S. Parbatta, District - Khagaria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-02-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Parbatta P.S. Case No. 247/14, G.R. No. 2175/14 for offences
alleged under Sections 147, 148, 149, 188, 336, 353 of the Indian
Penal Code and under Sections 27 and 30 of the Arms Act.

The prosecution case, as lodged by the informant
Officer-in-Charge of Parbatta Police Station Ashutosh Kumar is
that on 03.10.2014 at 12.30 hours the informant received
information that at village Dumaria Bujurg the villagers are
making firing in the procession on the eve of immersion of Kalash
of Goddess Durga. At this information the informant along with
police force reached there and forbade them not to make firing but

the named accused persons entered into push and pull with the police party and made firing. The informant identified the accused persons including the petitioner on the basis of the photographs taken by mobile and other source of information who had made firing in the air.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has committed no offence; rather has been implicated due to village politics. It has further been submitted that the petitioner has no criminal history, as is evident from paragraph 3 of this petition. Learned counsel for the petitioner further submits that there was a mob of over 1000 people who had gone for immersion of the Kalash of Goddess Durga and the allegation that the petitioner was seen at the time of occurrence through mobile photograph is baseless and false. Learned counsel for the petitioner further contends that the allegation against the petitioner is general and omnibus as there was a mob of about 1000 people and petitioner being a defence personnel was just a spectator of Durga Visarjan.

Learned APP for the State, however, submits that the petitioner is named in the First Information Report.

Be that as it may, let 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 bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Khagaria, in connection with Parbatta P.S. Case No. 247/14, G.R. No. 2175/14, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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