

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42051 of 2016

Arising Out of PS.Case No. -89 Year- 2016 Thana -KADWA District- KATIHAR

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1. Lakari Mandal S/o Late Hiru Mandal
 2. Dilip Mandal S/o Late Yogendra Mandal
 3. Kishore Mandal @ Kishor Mandal S/o Late Yogendra Mandal.

All are Resident of Village-Raniganj, P.S.-Kadwa, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
Mr. Bhaskar Shankar, Adv.

For the State : Mr. Md. Arif, Adv.

For the informant : Mr. Md. Musowir, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 30-09-2016

Heard the parties.

This application, for grant of anticipatory bail, arises out of Kadwa P.S. Case No. 89 of 2016, disclosing offences under Sections 354, 354(A), 354(B), 379, 386, 506, 504, 427, 323, 147, 148 and 149 of the Indian Penal Code.



There are altogether 22 persons named and 100 others, not named in the First Information Report, who are alleged to have committed offence. It appears from the First Information Report that a number of people (400-500 in number) were protesting against the death of one Naresh Mandal and they were abusing the informant's husband for him being the reason behind killing of said Naresh Mandal. It is alleged that these petitioners manhandled the informant and damaged her household articles, after entering into her house. They are said to have misbehaved with her also.

Learned senior counsel, appearing on behalf of the petitioners, has submitted that the allegation is vague and omnibus and there is no specific allegation of any specific overt act against these petitioners. He has also submitted that at the maximum the petitioners can be described to be the members of a mob and that there is no likelihood that they will be fleeing away from the course of investigation, if they are granted the privilege of anticipatory bail.

Learned counsel, appearing on behalf of the informant, has submitted that since the persons involved in the commission of the offence and obstructed the police party also in discharging their official duties, they should

not be allowed the benefit of anticipatory bail.

However, considering the submission that there is no specific allegation and there is general and omnibus allegation against 500 persons, who are said to have committed the offence, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate-IV, Katihar**, in connection with **Kadwa P.S. Case No. 89 of 2016**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-c

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