

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33752 of 2016

Arising Out of PS.Case No. -68 Year- 2016 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

1. Dharmendra Sah son of Late Joghan Sah
2. Jailal Sahani son of Anandi Sahani Both residents of village - Bada
Baishaha, P.S. - Chakiya, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Sri Khurshid Anwar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-08-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Chakiya P.S.Case No. 68 of 2016 registered for the offence
punishable under Sections 147, 148, 149, 341, 323, 307, 353, 427,
504 and 188 of the Indian Penal Code.

The prosecution case as per the F.I.R. lodged by the
informant, Lal Kishore Gupta before the Officer-in-charge,
Chakiya P.S., East Champaran is that in a road accident, two
persons received serious injuries, one of whom died. Reacting to
the road accident, a number of local people had assembled and
blocked the road disrupting vehicular traffic. Allegedly, when the

police came to normalize the situation, the accused persons became aggressive and assaulted him.

It has been submitted by the learned counsel for the petitioners that they are innocent and have falsely been implicated in the aforesaid case. He submits that the allegations are vague and omnibus and they have not been named in the F.I.R. and it is not evident as to how the petitioners were recognized during the course of investigation. He submits that the named accused have since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 24238/2016 dated 15.07.2016 and the petitioners are on a better footing.

However, learned A.P.P. for the state submits that the petitioners were part of the mob related to the aforesaid occurrence, hence opposes the prayer for bail.

Be that as it may, since the named accused have already been granted the privilege of anticipatory bail by a Co-ordinate Bench and the petitioners have not been named in the F.I.R., let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 13th

Additional Chief Judicial Magistrate, Motihari, East Champaran in connection with Chakiya P.S.Case No. 68 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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