

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50877 of 2016

Arising Out of PS.Case No. -173 Year- 2016 Thana -BIHARIGANJ District- MADHEPURA

- =====
1. Sonu Kumar, s/o Pradeep Kumar Gupta,
 2. Sanjay Gupta, s/o Basudeo Prasad Gupta
- Both are Resident of Village- Bihariganj, Badhiya, P.S. Bihariganj,
District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shyam Kr. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 25-11-2016

Learned counsel for the petitioners is permitted to

make correction in the second line of the photo copy of the
impugned order.

Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners are languishing in custody since
13.10.2016 in connection with Bihariganj P.S. Case No. 173/16
for offences punishable under Section 147, 148, 149, 341, 323,
337, 332, 333, 353, 427, 156, 295-A and 295 of the Indian Penal
Code.

The prosecution case is that during peace march in
which the District Magistrate, Superintendent of Police and other
persons were also accompanying, 500-700 miscreants armed with
bamboos, bricks and stones attacked upon the members of the
peace march, in which 47 persons including the petitioners were

identified and arrested.

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 another case bearing Bihariganj P.S. Case No. 171/16 was also lodged by the police under the same sections for the same occurrence and on the same day in which the other persons have been granted the privilege of bail by the learned court below. He further submits that there is general and omnibus allegation and the petitioners were also part of the mob.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there was a mob of 500-700 people and there is general and omnibus allegation against these petitioners, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 173/16.

(Nilu Agrawal, J.)

Rajesh/-

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