

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33780 of 2016

Arising Out of PS.Case No. -225 Year- 2014 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Lallan Mahto
 2. Md. Kaish
 3. Ishlam Khan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-03-2017 Heard learned counsels for the petitioners and the State.

The petitioners have renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 147,148,149,341,332,353,504 and 506 of the Indian Penal Code.

Earlier anticipatory bail application of the petitioners was disposed of vide order dated 11.5.2016 passed in Cr. Misc. No. 20304 of 2016 with liberty to the petitioners to move the learned Sessions Judge afresh since the earlier anticipatory bail application filed before the learned Sessions Judge was dismissed as not pressed on account of non-appearance of learned counsel for the petitioners.

The prosecution case, as per the written report of Circle



Officer, Chiraiya dated 30.8.2014 is to the effect that co accused Akhilesh Yadav was making protest in the premises of the office of the Block Development Officer, Chiraiya against the irregularity in distribution of ration card; though for making such protest no intimation was given to the informant. The informant was going to his office, in the meantime, the protesters dragged him from car and pressed for calling the Block Development Officer and Sub-divisional Officer. When the informant contacted the B.D.O., he conveyed his inability to reach on the spot since he was busy in a meeting with the District Magistrate and thereafter, on arrival of the police the accused persons escaped from the scene. With the above accusation, the FIR was registered on 30.8.2014 at 3 P.M. for the occurrence of the same day at 11.30 against co accused Akhilesh Yadav and five thousand unknown A.M. The petitioner was not initially named in the FIR but his name sprang up after six days of the occurrence on the basis of identification claimed by the Revenue Clerk, Panchayat Mukhia and Sarpanch.

It is submitted by learned counsel for the petitioner that the FIR contains photographs of the mob making protest on the alleged date of incident but those photographs do not suggest the presence of the petitioners on the spot. There is specific accusation against Akhilesh Yadav and from the impugned order it appears



that the name of the petitioners sprang up in the statements recorded in paragraph nos. 34 and 39 of the supplementary case diary which suggests that at a very belated stage the names of the petitioners have been roped in the present case. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

It is submitted by learned APP that the name of the petitioners sprang up during investigation and the investigation has still not concluded.

Considering the fact that the name of the petitioners sprang up after six days of the registration of FIR when the accusation is specific against co accused Akhilesh Yadav and five thousand unknown coupled with the Statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM, Sikrahana at Dhaka, East Champaran in connection with Chiraiya P.S. Case No. 225 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The learned court below shall be at liberty to cancel



the bail bonds of the petitioners in case the petitioners fail to cooperate in the investigation or default without any reasonable cause on three consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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