

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55297 of 2016

Arising Out of PS.Case No. -409 Year- 2015 Thana -BIHTA District- PATNA

- =====
1. Dilip Thakur @ Dilip Kumar,
 2. Mantu Thakur, Both sons of Late Patai Thakur,
 3. Premnath Ram, son of Late Jhagru Ram,
 4. Laxman Bhagat,
 5. Mahesh Malakar, Both sons of Late Rajnath Malakar
 6. Sudhir Paswan, son of Late Nathun Paswan,
 7. Shri Mahto, son of Late Bindeshwar Mahto,
 8. Gandhi Kumar @ Gandhi Verma, son of Bhupali Verma @ Bhuneshwar Mahto
 9. Prem Rajak, son of Lal Rajak @ Lalan Rajak, All are resident of Village- Katesar, Police Station- Bihta, District- Patna.
 10. Kameshwar Paswan, son of Late Chauki Paswan,
 11. Mahendra Mahto, son of Hulas Mahto,
 12. Rakesh Sao, son of Uma Sao,
 13. Dheeraj Sao @ Dhiraj Sao, son of Subodh Sao,
 14. Kapees Sao, son of Vijay Sao,
 15. Subash Sao @ Subhas Sao, son of Ishwar Dayal, All resident of Village- Mithunpur, Police Station- Bihta, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Md. Arif

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-02-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Bihta P.S. Case No. 409 of 2015 for the offences punishable under sections 147, 148, 149, 341, 323, 325, 307, 353, 332, 333, 152 and 153 A of the I.P.C.



Allegedly, mob of 200 persons started chanting Jai Bajrang Bali and also brought two Mahabiri Jhanda and erected the same in front of the house of Mukhiya of Kateshar village, thereafter after arrival of other police personnel and the S.D.O. Danapur the mob started throwing eggs and bamboo and also started throwing bricks and stones on the police force and due to that ASI Vijay Kumar Safi received fracture injury on his hand, other police personnel also sustained injuries, video photography was done of the whole incident and sixty law breakers of the mob were recognized including the petitioners.

Submission is of false implication and that the petitioners were not present at the place of occurrence, there is no specific allegation against them, the allegations are general and omnibus in nature, during course of investigation by the police the witnesses have supported only the factum of the occurrence and have not named any body, moreover there is no injury report in the case diary which falsifies the whole prosecution case, the petitioners have got no criminal antecedents and as such they deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners.

In the facts and circumstances as stated above,



considering that the petitioners have got no criminal antecedents and as such the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released 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. A.C.J.M. Danapur, Patna in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--

