

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47072 of 2016

Arising Out of PS.Case No. -56 Year- 2016 Thana -KHARIK District- BHAGALPUR

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Pankaj Yadav @ Pankaj Kumar Yadav, S/o Late Brahmdeo Yadav,
Resident of Village- Bagari, P.S.- Kharik, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 27-01-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kharik P.S. Case No. 56 of 2016, registered under Sections 147, 148, 149, 120B, 337, 332, 427, 188(F), 353 and 393 of the Indian Penal Code, Section 27 of the Arms Act and Section 135(1), 135(A) and 136(2)b of the Representation of People Act, 1951.

The accusation is that on 28.04.2016 at Poling Booth No. 26 in village Chorhar, 50 people were in queue to cast their votes at about 5.00 P.M. to whom the token were issued. In the meantime, Gita Devi and her husband reached there and started disturbance saying that they are fake voters, but anyhow the matter was pacified. After voting, the ballot boxes were seized. Thereafter, when informant and others started to move from there after sealing the ballot boxes, 100 to 150 persons taking the advantage of evening darkness tried to



snatch ballot boxes and started pelting stones and some persons also opened fire pointing the Police personnel, then on the order of the SDO firing was also made in the air by the Police personnel anyhow the situation was controlled. At that time, out of 100 to 150, 12 persons named in the F.I.R., including the petitioner, were identified.

Learned counsel for the petitioner submits that while the allegation has been made about making firing by the members of the mob, but nobody sustained any fire arm injury only five persons sustained injuries, which is simple in nature as detailed in paragraph 53 to 57 of the case diary. Further submission is that 12 persons, including the petitioner, were identified on the spot, but no overt act has been attributed against the petitioner and the petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Naugachia, Bhagalpur, in connection with Kharik P.S. Case No. 56 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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