

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30777 of 2017

Arising Out of PS.Case No. -145 Year- 2016 Thana -HALSI District- LAKHISARAI

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1. Munna Kumar Singh @ Gaurav @ Kumar Gaurav S/o Radhakant Singh
 2. Suraj Kumar S/o Munna Singh @ Kumar Gaurav.
 3. Shere Hind Singh @ Sudhanshu Kumar S/o Birendra Singh @ Birendra Kumar @ Birendra Kumar Singh.

All are R/o Village-Parsawan, P.S.-Ramgarh Chowk (Halsi), District-Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-07-2017 Heard both sides.

The petitioners are apprehending arrest in connection with Halsi (Ramgarh Chowk) P.S. Case no. 145 of 2016 registered for the offence under Sections 147, 148, 324, 152, 153, 337, 338, 325, 332, 353, 307 and other ancillary Sections of the I.P.C. and 27 of the Arms Act pending in the court of Addl. Chief Judicial Magistrate-III, Lakhisarai.

The informant of this case is the Circle Officer. He has alleged that on 11.11.2016 he along with other Magistrates and police personnel visited at the place of occurrence to remove the encroachment as per direction given by the Hon'ble Patna High Court in M.J.C. Case no. 4575 of 2014. In course of removal of



encroachment, altogether 28 accuseds named in the FIR along with about 150 unknown in a mob came and started causing obstruction in the official duty of the informant. They pelted stone of the police party and also resorted firing. The informant and police personnel anyhow controlled the situation by firing in the air. The accused persons were identified after displaying videography wherein the occurrence was recorded.

The learned counsel for the petitioners submits that the petitioners belong to one family and they have been implicated maliciously as the father of the petitioner no. 1 filed a C.W.J.C. 5682 of 2012 against the District Magistrate and other local officials including the informant for removal of encroachment. In the said writ application, the Government Officers including the Circle Officer were directed to ensure about removal of encroachment. The District Magistrate was directed to remain present in court on 10.08.2016, if they fail to comply the order. It was also submitted that the allegation of pelting stone and firing is omnibus against the members of the mob and no offence as alleged is made out and so all these petitioners deserve anticipatory bail. The learned APP opposed the submissions.

On perusal of annexures to the application, it



appears that the father of the petitioner no. 1 had filed C.W.J.C. No. 5682 of 2012 against the informant and the District Administration. The District Administration was directed to ensure the removal of encroachment. The petitioner no. 2 and 3 are son and family member of the petitioner no. 1 as submitted. It further appears that the father of the petitioner no. 1 has filed a complaint case no. 372C of 2016 on 13.06.2016 against the circle officer and police officer for the offence under Section 166, 379, 382, 506 and other ancillary Sections of the IPC. The present police case has been filed after five months i.e. on 11.11.2016. It further appears that the allegation is general and omnibus against 200 persons. There is nothing specific against these three petitioners in the written report.

Considering the omnibus allegation against these petitioners as also the cases lodged by the father of the petitioner no. 1 against the informant much earlier to the present occurrence, the anticipatory bail prayer is allowed. The petitioners above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Lakhisarai in connection with Halsi (Ramgarh



Chowk) P.S. Case no. 145 of 2016, subject to the condition as
laid down under Section 438(2), the code of Criminal Procedure.

(Sanjay Kumar, J)

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