

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51863 of 2017

Arising Out of PS. Case No.-283 Year-2017 Thana- DIGHA District- Patna

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1. Chandravanshi Mukhiya @ Chandravanshi Singh, S/o Late Sital Singh, R/o Mohalla- Digha Ghat, P.S.- Digha, District- Patna.
 2. Anchal Kumar @ Anchal Kumar Sinha, S/o Shankar Prasad Mehta, R/o Mohalla- Digha Pati Pul, P.S.- Digha, District- Patna.
 3. Pramod Paswan S/o Dipnarayan Ram, R/o Mohalla- Digha Pati Pul, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Housing Board, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ranjeet Kumar Singh
For the Opposite Party/s :	Mr. SIR PAWAN KUMAR CHAURASIYA
For the Housing Board :	Mr. Anil Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-11-2017 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 144,145,146,147,148,149, 114, 115, 323, 307, 332,333, 336,337, 338, 427,353,447 and 448 of the IPC and section 27 of the Arms Act.

The prosecution case got initiated with the self statement of Neeraj Kumar, ASI of Digha Police Station, to the effect that on 5.9.2017 at about 9.15 hours the police personnel along with the police administration went to measure the land acquired by the Housing Board. In the meantime, more than hundred local



residents, attacked the police force, blocked the road and subsequently entered into the premises of Digha Police Station and assaulted the police personnel. The local residents also entered into the residential premises of police personnel and assaulted the family members of the police personnel. On the basis of the CCTV footage, FIR was registered against 134 named accused and 800-900 unknown.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general in nature against the mob. For the same incident, three FIRs being Digha P.S. Case Nos. 281, 282 and 283 of 2017 were registered. The petitioners are named in all the three FIRs. It is further submitted that the petitioners' involvement does not figure during the scanning of the CCTV footage. Statement has been made in paragraph 3 of the petition that the petitioners are not accused in any other case except the three cases referred to above, lodged for the same incident.

Mr. Anil Kumar Sinha, learned counsel for the Housing Board submits that the land has been acquired by the Housing Board long back and in spite of judicial order, people are forcefully occupying the same. The police went to the place of occurrence to measure the land and for getting the



encroachment removed. However, the Housing Board is neither the informant of the present case nor the FIR suggests that any body from the Housing Board was present on the place of occurrence.

Considering the accusation against the mob and statement made in paragraph 3 of the petition that the petitioners are not accused in any other case except the three cases referred to above, lodged for the same incident, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Patna in connection with Digha P.S. Case No. 283 of 2017.

However, the learned court below will be at liberty to cancel the bail bonds of the petitioners in case they fail to cooperate in investigation or appear regularly during trial.

(Dinesh Kumar Singh, J)

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