

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28004 of 2017

Arising Out of PS.Case No. -73 Year- 2015 Thana -MOKAMAH District- PATNA

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1. Sambhunath Das @ Shambhu Kumar Das, Son of Late Chotan Das, resident of Gurudeo Tola, P.S. Mokama, District-Patna.
 2. Rajesh Kumar, Son of Late Navratan Prasad, resident of Kacha Mohalla, P.S. Mokama, District- Patna.
 3. Shyam Kumar, Son of Raghubir Paswan, resident of Madan Gachi, P.S. Mokama, District-Patna.
 4. Sunil Manjhi, Son of Baleshwar Manjhi, resident of Indira Nagar, P.S. Mokama, District- Patna.

.... Petitioners.

Versus

1. The State of Bihar.
2. Nagar Parishad, Mokama.

.... Opposite Parties.

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Appearance :

For the Petitioners : Mr. Manoj Kumar Pandey, Advocate.
For the State : Mr. Anand Kishore Choudhary, A.P.P.
For the Nagar Parishad, Mokama : Mr. Arbind Nath Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

6 05-12-2017 Let the supplementary affidavit filed on behalf of the petitioners be kept on the record.

Heard.

The petitioners apprehend their arrest in connection with Mokama P.S. Case No.73 of 2015 registered under Sections 147, 153, 504, 506 and 384/34 of the Indian Penal Code.

The accusation is that while on 30.05.2015, the meeting of Nagar Parishad, Mokama, was fixed but the informant, the Executive Officer, Nagar Parishad, Mokama (Patna) could not



come in the meeting. In his absence, while Krishna Ballabh Kumar alias Tunna Singh, the husband of the Chairman of the Nagar Parishad, Mokama, alongwith unauthorized persons came and held meeting but the employees of the Nagar Parishad did not appear in the meeting and the register of the meeting was not given. At that time, Krishna Ballabh Kumar alias Tunna Singh used abusive language and misbehaved. The petitioner nos.1 to 3 being the Ward Members and the petitioner no.4 being the husband of the Member of Ward No.4 of Nagar Parishad Mokama were also present alongwith Krishna Ballabh Kumar alias Tunna Singh. Krishna Ballabh Kumar alias Tunna Singh threatened the employees of the Nagar Parishad, Mokama, and created nuisance and terror.

Learned counsel for the petitioners submits that, admittedly, the petitioner nos.1 to 3 were the Ward Members and the petitioner no.4 was the husband of the Member of Ward No.4 of Nagar Parishad, Mokama, and they have falsely been implicated in this case without specifying any overt act. The only allegation of creating nuisance and terror is against Krishna Ballabh Kumar alias Tunna Singh, the husband of the Chairman of the Nagar Parishad Mokama. The petitioners have no criminal antecedents.



Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar, Additional Chief Judicial Magistrate, Barh, District-Patna, in connection with Mokama P.S. Case No.73 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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