

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53277 of 2017

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

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Bhushan Mahto @ Braj Bhushan Prasad Mehta S/o Late Sita Ram Mahto,
R/o Digha Ghat Patipul, P.S.- Digha, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gyan Prakash, Adv.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with
Digha Police Station Case No. 283 of 2017 registered for the
offences under sections 144, 145, 146, 147, 148, 149, 114, 115,
323, 307, 332, 333, 336, 337, 338, 427, 353, 447, 448 of the
Indian Penal Code and section 27 of the Arms Act.

The informant of this case happens to be Police
Officer. It is alleged that on 05.09.2017 he along with other police
official went for measurement of land of Bihar State Housing
Board, situated at Digha. In course of measurement, a rumour
spread that the police party had visited to remove the
encroachment. It is said that a large numbers of people assembled



and raised protest against police and forbade them from performing their duties. They also attacked on police station and damaged articles.

The learned counsel for the petitioner submits that there are altogether 134 named and 800-900 persons unknown in the FIR. The allegation against this petitioner is omnibus. He is an old man aged about 66 years having his ancestral land in the locality. He is suffering from heart disease. He has no concern with the atrocities on police. It is submitted that it is not possible for the informant or any of the police official to identify altogether 134 persons. In the said occurrence, neither the informant nor any police personnel sustained injury as it appears from the record. Learned counsel in support of his contention has filed copy of Aadhar-card (Annexure-2 to this application) to prove the age of the petitioner. The allegation against the petitioner is vague and so he deserves anticipatory bail.

The learned Additional Public Prosecutor on the other hand opposed the submission.

Considering the omnibus allegation of causing damage to police station and also the fact that the petitioner is aged about 66 years, the prayer of anticipatory bail is allowed and the petitioner, above named, in the event of arrest or surrender



before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Digha Police Station Case No. 283 of 2017, subject to the condition as laid down under section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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