

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38750 of 2018

Arising Out of PS.Case No. -97 Year- 2018 Thana -BARUN District- AURANGABAD

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1. Tulsi Pal, S/o Rajaram Pal, R/o vill.- Raria, P.S.- Barun, District- Aurangabad.
 2. Kundan Kumar S/o Ram Bachan Ram, R/o Vill.- Parariya, P.S.- Barun, District- Aurangabad.
 3. Pintu Kumar S/o Rajendra Chaudhary, R/o Vill.- Barun Bazar, P.S.- Barun, District- Aurangabad.
 4. Ajay Kumar S/o Lakhan Sav, R/o Vill.- Mohanganj, P.S.- Barun, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-07-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 18.05.2018 in connection with Barun P.S. Case No. 97/2018, for offences alleged under Sections 147, 148, 149, 341, 323, 324, 307, 332, 333, 353, 395, 436, 504, 120B of the Indian Penal Code and sections 3, 4 of Prevention of Damage to Public Property Act.

The prosecution case as lodged by the informant/police personnel is that in hit and run death case of one Gautam Kumar, the mob turned violent arrived at the police station, ransacked the police station, torched the jeep and took away various documents



from the police station. As many as 86 persons have been named in the F.I.R. while 200 unknown.

It has been submitted by the learned counsel for petitioners that they are innocent bear no criminal antecedent and have been falsely implicated. While the allegation upon petitioner no. 1 and petitioner no. 4 is that they took away valuable documents from the police station and against petitioner no. 2 and 3 that they were present on the spot. He submits that it is very difficult to ascertain in a mob attack as to who were specifically responsible and there is general and omnibus allegation made against them. He further submits that the petitioners are languishing in judicial custody since 18.05.2018 for no fault of theirs. It is further submitted that some of the co-accused named in the F.I.R. have been granted pre-arrest bail and also regular bail in Cr. Misc 37364/2018 vide order dated 28.06.2018 by a coordinate bench of this Court

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and material on record, let the petitioners named above, be enlarged on bail 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 Chief Judicial Magistrate, Aurangabad, in connection with Barun P.S. Case No. 97/2018, subject to the condition that one of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(Nilu Agrawal, J)

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