

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2040 of 2018

Arising Out of PS. Case No.-351 Year-2017 Thana- BIHARSHARIF District- Nalanda

Udai Shankar Soni S/o Shankar Prasad Gupta, R/o Mohalla- Alamganj, Gobar
Toli, P.S.- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar

For the Opposite Party/s : Mr. SRI ABHAY KUMAR ROY

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 147, 148, 149, 323, 341, 332, 333, 336, 337, 353, 427, 435, 307, 283 and 120B of the IPC and Section 27 of the Arms Act.

The prosecution case as per the self statement of the informant Uday Kumar being SHO-cum-Inspector of Bihar Police Station alleging that on 23.6.2017 the informant got direction from the Superintendent of Police and Deputy Superintendent of Police, Sadar to immediately reach Railway Station, Biharsharif. As per the direction of senior police officers, the informant directed S.I. Munna Kumar to immediately reach railway station. The informant himself reached to the place of occurrence. It was found that the



students were damaging the railway track and pelting stones, as a result, the driver Ajeet Paswan got injured and thereafter the government vehicles were set on fire. It is further alleged that total 19 accused persons were taken in custody who disclosed that one Choudhary Charan Singh was agitating them and supplying finance. The petitioner is one of the owners of Coaching Institute.

It is submitted by learned counsel for the petitioner that the FIR has been lodged on suspicion. Admittedly, petitioner was not present at the place of protest but only on suspicion that coaching institutes used to finance the students for making such agitation which suggests that the police, in order to save his own skin for failure to handle law and order situation, the present case has been lodged. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that the accusation is against the mob and admittedly the petitioner was not at the place of protest, let the petitioner 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) with two sureties of the like amount each to the satisfaction of the learned CJM, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No.351 of 2017, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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