

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61480 of 2018

Arising Out of PS. Case No.-462 Year-2013 Thana- FORBESGANJ District- Araria

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Gopal Kumar, S/o Shankar Rai, Resident of Katihar Lassi, Near Jyoti Cinema,
Forbesganj, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam, Adv.

For the Opposite Party/s : Mr. Md. Sufiyan, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-12-2018 Heard learned counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections
147,148,149,307,323,341,353,504 of the Indian Penal Code and
Sections 151(1) and 151(2) of the Railways Act, 1989.

The prosecution case got initiated on the basis of written
report dated 16.11.2013 submitted by S.I. Harendra Kumar Singh
to the Station House Officer, Farbisganj Police Station is to the
effect that on the same day in protest of a robbery committed
during procession of Moharram by some antisocial elements on
15.11.2013, a call of was called for and when the informant along
with other police officials reached at Subhash Chawk, he found a
mob of 150-200 people disturbing the law and order and creating



disturbance in smooth function of traffic on the road and burning tyres on the Railway track and obstructing the course of Railway, leading to registration of Fir against 12 persons and 800 unknown.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general against the mob. Moreover, similarly situated co-accused, named in the FIR, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 13.10.2015 passed in Criminal Miscellaneous No.44456 of 2015. It is further submitted that the petitioner was not named in the FIR, his name was subsequently sprang up during investigation. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner.

Considering the accusation being omnibus and general, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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, Araria,



in connection with Forbesganj P.S. Case No.462 of 2013,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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