

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69258 of 2018

Arising Out of PS. Case No.-148 Year-2016 Thana- SAUR BAZAR District- Saharsa

Bhushan Yadav, son of Naresh Yadav Both resident of Village- Pipra, P.S.-
Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra
For the Opposite Party/s	:	Mr. Anil Kumar Singh 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 30-11-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 147, 148, 149, 341, 323, 325, 307, 353, 337, 427, 188 of the Indian Penal Code and under Sections- 132, 135, 136, 171F and Sub Section 103 of the Bihar Panchayat Act, 2006.

The prosecution case, in brief, is that while the informant was engaged in Panchayat Election, all of a sudden, Mukhiya candidate Smt. Mamta Devi along with more than 100 people sitting at his door, the accused persons variously armed with weapons came in a mob forming unlawful assembly and started making nuisance. They damaged and scattered the election



material and looted ballot box and also pelted.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case due to mistake of fact. Altogether 40 persons are named in the FIR. The alleged occurrence is said to have taken place on the date of different panchayat election. Due to political rivalry, the petitioner has been implicated in this case. No specific overt act has been attributed against the petitioner. The other co-accused persons have been granted anticipatory bail by a coordinate bench of this court vide order dated 22-10-2016 passed in Cr. Misc. No. 39746 of 2016.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case



No. 148 of 2016, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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