

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1596 of 2018

Arising Out of PS. Case No.-139 Year-2012 Thana- NABINAGAR District- Aurangabad

1. Munchun Singh @ Saroj Kumar Singh, Son of Ramashray Singh, Resident of Village-Kerka, P.S.- N.T.P.C. Khaira, District-Aurangabad.
2. Surendra Kumar Pal @ Surendra Pal, Son of Ram Kewal Pal, Resident of Village-Khadaha, P.S.- N.T.P.C. Khaira, District-Aurangabad
3. Bhola Yadav, Son of Chalitra Yadav, Resident of Village-Surar, P.S.- N.T.P.C. Khaira, District-Aurangabad.
4. Shyam Sundar singh @ Shyam Sundar Chandrabanshi, Son of Ram Chandra Singh Chandrabanshi, Resident of Village-Pirouta, P.S.- N.T.P.C. Khaira, District-Aurangabad.
5. Santosh Yadav @ Deepak Kumar, Son of Ram Naresh Yadav, Resident of Village-Dhundhua, P.S.- N.T.P.C. Khaira, District-Aurangabad.
6. Surendra Yadav, Son of Kamdeo Yadav, Resident of Village-Dhundhua, P.S.- N.T.P.C. Khaira, District-Aurangabad.
7. Ashok Kumar Singh, Son of Late Ram Naresh Singh, Resident of Village-Khadaha, P.S.- N.T.P.C. Khaira, District-Aurangabad.
8. Santosh Kumar, Son of Rajendra Singh, Resident of Village-Kerka, P.S.- N.T.P.C. Khaira, District-Aurangabad.
9. Dhirendra Kumar, Son of Ghura Chandrabanshi, Resident of Village-Khadaha, P.S.- N.T.P.C. Khaira, District-Aurangabad.
10. Mangal Singh, Son of Ramashray Singh, Resident of Village-Kerka, P.S.- N.T.P.C. Khaira, District-Aurangabad.
11. Munna Singh @ Abinash Kumar, Son of Binod Singh, Resident of Village-Khadaha, P.S.- N.T.P.C. Khaira, District-Aurangabad.
12. Abhay Singh, Son of Amrendra Singh, Resident of Village-Kerka, P.S.- N.T.P.C. Khaira, District-Aurangabad.
13. Mangal Kumar, Son of Amrendra Singh, Resident of Village-Kerka, P.S.- N.T.P.C. Khaira, District-Aurangabad.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. SRI RAM BILASH ROY RAMAN

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 147, 148, 149, 341,



323, 307, 427, 504, 337 and 120B of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Arvind Singh, submitted before the Station House Officer, Nabinagar Police Station is to the effect that the informant being a contractor started working on the site in question on 23.09.2012, when 300-400 persons came variously armed and protested as they wanted to get the work executed since the land on which the project was being constructed, initially belonged to the agitators. They also abused and assaulted the informant and his labourers.

It is submitted by learned counsel for the petitioners that the accusation is against the mob. The FIR has been registered against 23 named and 400 unknown persons. For the same incident, Nabinagar P.S. Case No. 140 of 2012 has also been lodged by the police, in which the petitioners have been named as accused and apart from these two cases, which have been lodged for the same incident, the petitioners are not involved in any other case.

It is further submitted that the investigation is still pending. The informant has retracted from his initial version and filed a petition to that effect before the learned court below.



Learned APP submits that the accusation is specific against the petitioners and they are named in the FIR.

Considering the nature of accusation against a mob and the fact that the informant has retracted from his initial version of the occurrence, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Nabinagar P.S. Case No. 139 of 2012, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The learned court below will be at liberty to cancel the bail bonds of the petitioners if they failed to co-operate during investigation or default for three consecutive occasions.

(Dinesh Kumar Singh, J)

Amrendra/-

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