

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8819 of 2018

Arising Out of PS.Case No. -601 Year- 2017 Thana -GOPALGANJ TOWN District- GOPALGANJ

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Rana Srivastava @ Vikash Kumar Sinha @ Vikash Son of late Vijay
Prakash Sinha @ late Vijay Srivastav R/o Sareyan Ward No. 6, Hanuman
Garhi, P.S. & District- Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 20-02-2018

Heard learned senior counsel for the
petitioner and learned counsel representing the informant
as also learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in
relation to Gopalganj Town P.S. Case No. 601 of 2017
registered under Sections 147, 148, 149, 302, 379, 427,
452, 504, 506 of the Indian Penal Code.

Learned senior counsel representing the
petitioner submits that this petitioner is though named in
the F.I.R. but at best he is a member of unlawful mob who
had allegedly gone to grab the land in question. It is
pointed out that there are specific allegations of firing on
the husband of the informant against Bhikhu Yadav and
Anandi Pandey. From the statement made in paragraph 11



of the application it has been submitted that the husband of the informant was a dreaded criminal having as many as 14 cases on his head. Learned senior counsel has also placed before me a copy of the order dated 17.02.2018 passed in Cr. Misc. No. 9425/2018 by which a similarly situated accused Narain Shrivastava is said to have been granted privilege of anticipatory bail by a co-ordinate Bench of this Court.

On the other hand, learned counsel representing the informant submits that this petitioner was a member of the mob who was firing and in fact this petitioner actively participated in the alleged occurrence. Learned counsel for the informant is however unable to draw any distinction in case of petitioner with that of Narain Shrivastava co-accused who has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court.

Learned counsel for the State is present.

Considering the facts and circumstances that this petitioner has no criminal antecedent and he has been named in the F.I.R. alleging that he was a member of the unlawful mob but the specific allegations of firing shot on



the husband of the informant is against Bhikhu Yadav and Anandi Pandey, in the event of his arrest/surrender before the court below within four weeks, let the above named petitioner be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj Town P.S. Case No. 601 of 2017, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

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