

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1916 of 2018

Arising Out of PS.Case No. -207 Year- 2017 Thana -SAHEBGANJ District- MUZAFFARPUR

- =====
1. Md. Moen @ Md. Moem, Son of Isha Miya,
 2. Md. Shamsher @ Shamsher, Son of Md. Safi Miya, Both residents of
Village- Asha Patti, Parsauni, P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 15-01-2018

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 332, 337, 338, 427, 504, 353 of the Indian Penal Cod, Sections 3 and 4 of the Prevention of Damage to Public Property Act and Sections 3 and 4 of Essential Public Service Act.

The prosecution case as per the written report of Sujit Kumar Singh, Sub-Inspector of Police, Sahebganj submitted to the SHO, Sahebganj P.S. to the effect that the informant being a Police Officer received information on



17.07.2017 at 9.00 A.M. that one person has died in a road accident near Khuseda Petrol Pump, upon which he rushed to the place of occurrence. As soon as he reached the place of occurrence, he found 100-150 persons raising slogans against the administration, who had blocked the road and were causing damage to the vehicles. On enquiry the dead body was found to be of Md. Mustafa. The local chaukidar identified the persons who obstructed the informant and other police personnel in discharging their official duty.

It is submitted by learned counsel for the petitioners that the accusation has been levelled against the mob as the FIR has been registered against 7 named and 100 unknown persons. The name of the petitioners sprang up on the statement of the chaukidar but no specific accusation has been levelled. The informant in order to save his skin concerning the inaction on his part has lodged the present case. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners were named in the First Information Report.

Considering the accusation against the mob and statement made in paragraph 3 of the petition that the



petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or 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 the like amount each to the satisfaction of learned Sub-Judge –cum- ACJM-1 (West), Muzaffarpur in connection with Sahebganj P.S. Case No. 207 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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