

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31439 of 2018

Arising Out of PS.Case No. -1158 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

=====

1. Birendra Sahani S/o Gariban Sahani, R/o Vill.- Sheikhpur Akharaghat,
P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Sri Satya Nand Shukla, APP

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 24-05-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Ahiyapur P.S. Case No. 1158 of 2015, registered for offences punishable under Sections 143, 144, 145, 341, 323, 186, 332, 333, 353, 379, 307, 427 and 504 of the Indian Penal Code.

The prosecution case as per the self statement of A.S.I., Ahiyapur Police Station dated 29.12.2015 at 5:10 PM, is that the informant on 29.12.2015 at 9:00AM received information that in protest of murder of Ankil Kumar @ Chumnu, about 100 people blocked the road and shouted slogans against police administration, when the informant reached on the spot to pacify the mob and clear the blockage of the road, then angry mob pelted



stones, broke the glass of the police vehicle and also misbehaved with the police.

It is submitted by the learned counsel for the petitioner that the FIR was lodged against 20 named and 60 unknown persons. The accusation is against the mob. In fact the police in order to crush the protest against the brutal murder of Ankil Kumar @ Chumnu and in order to save his skin, lodged the present case with frivolous accusation. A statement has been made in paragraph-3 of the petition that the petitioner has no criminal antecedent. Similarly placed accused have been granted Anticipatory bail by a Co-ordinate Bench of this Court as contained in Annexure-2 of the petition.

Learned APP submits that the petitioner is named in the FIR

Considering the accusation against the mob and the genesis of the occurrence, coupled with statement in paragraph-3 of this petition that the petitioner is not having any criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each in connection with Ahiyapur P.S. Case No. 1158 of 2015 to the satisfaction of learned Chief Judicial



Magistrate, Muzaffarpur, subject to the condition laid down under
Section 438 (2) of the Criminal Procedure Code.

(S. Kumar, J)

Sudha/-

U		T	
---	--	---	--

