

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38043 of 2018

Arising Out of PS. Case No.-206 Year-2016 Thana- PAKARIBARAW District- Nawada

Jasimuddin @ Md. Jasimuddin, Son of Ahamad Aneluhak, Resident of
Village- Pakribarawan P.S.-Pakribrawan, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Sri Rajeev Nayan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,323,307,353 and 427 of the IPC.

The prosecution case as per the written report of Rajesh Ranjan, Circle Officer, Pakribarawan is to the effect that on 28.10.2016 at 2 A.M. the informant received an information that two children have died due to drowning. On receiving such information, the informant went to the Primary Health Centre, Pakribarawan and found that the crowd is assaulting the doctor and staff of the Primary Health Centre. Though the police tried to pacify the issue but the mob continued to assault and damage the articles of the hospital and they also assaulted the police force. One of the Constables, namely, Mukesh Pathak received



injury. The mob also damaged the government vehicle and it took three hours to control the mob. Certain people were identified including the family members of the victim through video clippings, hence FIR was lodged against 23 named and 100-150 unknown.

It is submitted by learned counsel for the petitioner that the the administration, in order to save its own skin has lodged the present case since the mob was protesting against the inaction of the police and the doctor. The accusation is omnibus and general. It is further submitted that two cases were lodged for the same incident and the petitioner has been roped in both the cases. Apart from that, no case is pending against the petitioner. Similarly situated co-accused Md. Hasim Ansari has been granted anticipatory bail by a co-ordinate bench of this Court vide Cr. Misc. No. 63652 of 2017.

Learned APP submits that the petitioner is named in the FIR.

Considering the accusation against the mob and the impugned order suggests that the injury report has not been produced before the learned court below, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Nawada in connection with Pakribarawan P.S. Case No. 206 of 2016 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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