

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37836 of 2018**

Arising Out of PS. Case No.-19 Year-2018 Thana- SAHARSA District- Saharsa

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1. Manoj Kumar Bhagat, Son of Jay Prakash Bhagat
  2. Sanjeev Kumar Bhagat, Son of Jay Prakash Bhagat
  3. Pankaj Kumar Nirala, Son of Late Upendra Sah
  4. Shivnandan Prasad Bhagat, Son of Late Laxman Bhagat
  5. Sanjeev Kumar Bhagat @ Baua Son of Shivnandan Bhagat
  6. Ghanshyam Bhagat, Son of Late Raj Nandan Bhagat
  7. Abhinandan Bhagat @Abhay Bhagat@ Abhinandan Kumar, Son of Ghanshyam Bhagat
  8. Jitendra Gupta, Son of Late Bindeshwari Gupta
  9. Bipin Sah, Son of Rajendra Sah
  10. Shanti Prasad Sah, Son of Late Basdeo Sah
  11. Madan Bhagat @ Madan Prasad Bhagat, Son of Ramautar Bhagat
  12. Daya Nidhi Bhagat, Son of Madan Bhagat
  13. Sanjay Sah, Son of Late Rajendra Sah
  14. Dilip Sah, Son of Late Damodar Sah
  15. Karan Kumar, Son of Pankaj Kumar Nirala
  16. Om Prakash Bhagat, Son of Late Rajnandan Bhagat
  17. Amit Sah@ Amit Kumar, Son of Tunay Sah
  18. Rabindra Gupta, Son of Late Bindeshwari Gupta
  19. Sushil Sah, Son of Bhajju Sah
  20. Amit Kumar Sah, Son of Suresh Sah
  21. Anil Sah, Son of Late Jagdish Sah, All resident of Village- Kharagpur, P.S. - Sonbarsa Kachahari, District- Saharsa
  22. Lal Bahadur Sah, Son of Biranchi Sah
  23. Mukesh Sah, Son of Prakash Sah
  24. Niranjana Sah, Son of Raso Sah, All resident of village- Bishanpur, P.S. - Sonbarsa Kachahari, District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Abhay Shankar Singh  
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      04-07-2018

Heard learned counsel for the petitioners and the  
State.

The petitioners are apprehending arrest in a case



registered for the offences punishable under Sections 147, 149, 341, 323, 353, 188, 333, 290, 143, 447, 504 and 506 of the Indian Penal Code.

The prosecution case, as per the self-statement of ASI Rajendra Chaudhary of Sonbarsa Kutchery Police Station dated 03.01.2018 is to the effect that on 03.01.2018 at 10:35 A.M. while patrolling, reached at Sonbarsa Chowk round about and inquired about the commotion going on, when twenty five named accused persons and two hundred unknown abused the informant and surrounded him. They misbehaved with the police force and obstructed the fire-brigade which was to be stationed on the eve of visit of Chief Minister.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the mob. In fact, Saharsa Sadar P.S. Case No. 6 of 2018 was registered under Section 363 and 365 of the IPC and Section 6 of the Prevention of Children from the Sexual Offence Act against 7 named accused persons, but the police failed to take any action against the kidnappers and the mob was protesting against such kidnapping, but in order to save its own skin and to buy peace on the eve of visit of Chief Minister, present false case has been lodged. For the occurrence of 03.01.2018 F.I.R has been



registered on 07.01.2018. It is further submitted that out of twenty four petitioners, eighteen petitioners are not having any criminal antecedent. So far as six petitioners who are accused in this case are concerned a supplementary affidavit has been filed that they are on bail in earlier cases. Let the supplementary affidavit be kept on record.

Learned APP submits that petitioners are named in the F.I.R.

Considering the delayed lodging of the case and that accusation is against the mob, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 19 of 2018, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

anil/-

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