

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1808 of 2018

Arising Out of PS. Case No.-217 Year-2016 Thana- SUGAULI District- East Champaran

Aftab Alam @ Sk. Aftab, Son of Late SK. Umat, Resident of Mohalla-Nimui Pawariya Tola, Sugauli, Police Station- Sugauli, Ward No. 11, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv.

For the Opposite Party/s : SMT. RENU KUMARI

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned Counsels for the petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 333, 353, 152, 153A, 295A, 296, 298, 435, 436, 427, 395, 504, 504 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3, 4, 5 of the Explosive Substances Act.

The prosecution case, as per the written report of Raman Sinha, the BDO of Sugauli Block, submitted by the Officer in-Charge, Sugauli Police Station is to the effect that the informant was deputed as Magistrate, on the occasion of immersion of idol of goddess Durga at Kasai Patti, in the meantime, some bricks were pelted on the procession from the roof of the nearby



houses and a petrol bomb was hurled from the roof of co-accused, Munna Ansari, which resulted into pelting of stones from both sides, leading to damage of several vehicles and subsequently, the mob set several hutments and shops on fire, leading to registration of FIR against 200 persons including the petitioner.

It is submitted by learned counsel for the petitioners that though the petitioner is named in the FIR, but accusation is against the mob. It is further submitted that the FIR has been lodged against the mob and the accusation is not specific against the petitioner. Moreover, co-accused Avinash Ojha has been granted anticipatory bail vide Criminal Miscellaneous No.45826 of 2017. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Considering the accusation against the petitioner being general and omnibus, coupled with statement made in paragraph no.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 12 weeks from today, 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 CJM, East Champaran at Motihari, in connection with Sugauli P.S. Case No.217 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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