

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.64383 of 2018

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1. Rohit Yadav, S/o Ramjiven Yadav, R/o Village- Tikulia, Ward No.-10, P.S.-Jogbani, District-Araria.
 2. Rajan Tiwari, S/o Kundan Tiwari, R/o Village-Netaji Chowk, Ward No.-15, P.S.-Jogbani, District-Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Kundan Kumar Singh, Advocate.

For the Opposite Party : Mr. Sakir Ahmad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-10-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 342, 332, 333, 353, 337, 338, 427, 307, 504, 506 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 14.08.2017 at 5.00 P.M. the informant alongwith Sub Divisional Officer, Forbesganj, Anil Kumar (District Disaster Management Officer), Prabhat Kumar Jha and police party was leaving from Jogbani Police Station for the purpose of flood relief work, in the meant time, more than hundred people armed with deadly weapon,



Lathi-Danda, Sword and Spear assembled at the gate of police station and were trying to enter into the gate. *Chowkidars* identified seventeen of them and were named in F.I.R. He further alleged that all these people were instigating the public against administration and were abusing and throwing burning Tyres over government vehicles. The crowd was in rage and they even tried to pull out the S.D.O. and District Disaster Management Officer from their vehicle but were saved by timely intervention of the police. The crowd pelted stones from the Railway Track. The anti-social elements amongst the crowd also open fire on them as a result, administration reseeded. The unruly crowd further damaged government vehicles and police station board and in such act several police personnels received injuries.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Ist, Araria, in connection with Jogbani P.S. Case No. 126 of 2017, G.R. No. 2737 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

