

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40011 of 2018

Arising Out of PS.Case No. -97 Year- 2018 Thana -BARUN District- AURANGABAD

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1. Binay Kumar, Son of Sunil Chaudhary, Resident of Village+Mohalla-
Pakka Muhalla Barun, P.S.- Barun, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Leelawati Kumari

For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 11-07-2018 Heard both sides.

The petitioner apprehends his arrest in Barun P.S. Case no. 97 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307, 332, 333, 353, 395, 436, 504, 120(B) of the Indian Penal Code and under Section 3/4 of the Prevention of Damage to Public Property Act 1984.

The informant named 86 persons besides other unknown persons and alleged that when he went to the place of occurrence situated on Barun-Navinagar road, he saw a person lying injured. The injured was identified as Gautam Kumar. Gautam Kumar succumbed to be injury but thereafter the villagers including the petitioner assembled at police station and attacked on the police station and damaged the property of the police station and also taken away many valuable articles.



Learned counsel for the petitioner submits that the petitioner is named in the F.I.R. at serial no.70 as a member of the mob but no specific allegation has been made against him. It is submitted that no offence under Section 395 of the Indian Penal Code is made out. The entire villagers of Gautam Kumar made violent protest against the inaction of the police officials but the petitioner, who was onlooker of the accident, has also been made accused in this case. Similarly situated other accused persons have already been granted either regular bail or anticipatory bail.

Taking into consideration the aforesaid fact, the petitioner above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad, in connection with Barun P.S. Case No.97/2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Amit/-

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