

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1881 of 2018

Arising Out of PS. Case No.-436 Year-2017 Thana- MADHEPURA District- Madhepura

Govind Kumar @ Govind @ Govinda S/o Devendra Yadav resident of Village
Chakla, P.S. Madhepura, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. MD. ARIF

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 307,406,420,341,323,332,337,342,353,504,506,147,149 and 333 of the IPC.

The prosecution case as per the fardbeyan of Subodh Kumar, Labour Superintendent, Madhepura recorded by SI Arun Kumar of Madhepura Police Station on 29.6.2017, is to the effect that on the same day at 12.09 P.M. the informant received a telephonic message from the District Magistrate that near Rail Engine Factory, some shopkeepers are selling forms to labourers for providing employment. On this information, the informant, along with junior officers of the Labour Department reached at the gate of Rail Engine Factory and found that a crowd had



assembled at the betel and photocopy shops. The informant explained to them that distribution of such forms is illegal. In the meantime, the police force also reached at the place. Thereafter, the mob started abusing the informant and the police force and started pelting stones. One of the stones hit the informant, causing bleeding injury on his head. The entire incident was videographed, wherefrom it appeared that it was the son of Rajendra Yadav who pelted stone on the informant, leading to registration of FIR against two persons and two hundred unknown.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR whereas the only person named as accused in the FIR, is the son of Rajendra Yadav. The name of petitioner's father is Devendra Yadav though during investigation, it transpired that the petitioner has a betel shop at the place in question. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that as per the informant's version, the entire incident was videographed, but the FIR does not suggest that any enquiry was made with regard to the petitioner nor it gets reflected from the impugned order that the learned Sessions Judge has gone through the case diary.



Learned APP, however, submits that the mob prevented the informant and the police from discharging their official duty and due to pelting of stones the informant received bleeding injury. It is further submitted that there is specific accusation against the petitioner but the learned Sessions Judge has not recorded anything suggesting specific accusation against the petitioner.

Considering the fact that the accusation has been levelled against the mob and there is nothing on record to show that from the screening of the videograph, the name of the petitioner transpired, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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, Madhepura in connection with Madhepura P.S. Case No.436 of 2017, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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