

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27267 of 2018

Arising Out of PS. Case No.-111 Year-2017 Thana- GAUNAHA District- West Champaran

1. Chandan Mahto, Son of Maral Mahto @ Maran Mahto, Resident of Village- Bethaniya,
2. Bhuneshwar Mahato @ Bhuneshwar Prasad, Son of Hari Narayan Mahto.
3. Santosh Guru, Son of Jasman Guru
4. Sanjesh Mukhiya, Son of Thag Mukhiya, Petitioner nos. 2 to 4 are Residents of Village- Jamuniya, all Police Station- Sahodra, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-05-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 332, 333, 307, 436, 395, 427, 353, 151, 152, 153, 187, 188, 189, 120B of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the self statement of Ranveer Kumar Jha, Station House Officer, Gaunaha Police Station is to the effect that the informant got an information on 01.11.2017 that the people are assembling near the police station for making protest, then Senior Officers were informed, whereupon the Block Co-operative Officer was deputed as a Magistrate and on



02.11.2017 at 12 PM about 93 FIR named and 200 unknown females as well as 600-700 unknown males persons, armed with lathi and danda came and started damaging the building and furniture of the police station premises. The mob also pelted stones on the government quarters and robbed the articles. The mob also set the government property on fire. However, by applying the force, mob was disbursed. 93 persons including the petitioners were identified on the statement of Chaukidar who were named in the FIR, however, the FIR was also lodged against 200 unknown female and 600-700 unknown male persons.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the mob. There is no specific accusation against the petitioners either of pelting stones or of robbing the articles.

It is further submitted that for the same incident, three FIRs were registered being Gaunaha P.S. Case No. 110 of 2017, wherein petitioner nos. 1, 3 and 4 have made accused, Sahodara P.S. Case No. 89 of 2017, wherein petitioner no.2 has been made accused, and the present one and apart from these cases, that petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the



FIR.

Considering the accusation against the mob and the fact that other similarly situated accused persons have been granted privilege of anticipatory bail by co-ordinate Bench of this Court, vide Cr. Misc. Nos. 5758 and 17145 of 2018, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 111 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

