

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43632 of 2018

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

=====

Rizwan Alam Son of Anwar @ Anwar Hussain Resident of village-
Khemda, Barun, P.S.- Barun, District- Aurangabad Petitioner.

Versus

The State of Bihar Opposite Party.

=====

Appearance :

For the Petitioner : Mrs. Leelawati Kumari, Adv.

For the Opposite Party : Mr. Uday Pratap Singh, APP.

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 20-07-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 332, 333, 353, 395, 436, 504, 120B of the Indian Penal Code and Sections 3/4 of Prevention of Damage to Property Act, 1984.

The prosecution case as per the self statement of Station House Officer, Barun P.S. dated 17.05.2018 at 4.10 P.M., is to the effect that on the same day at 7.40 A.M., one person seriously got injured in a road accident whereupon the police reached and found the person unconscious, who was identified as Gautam Kumar, when the police tried to take Gautam Kumar to the hospital, Primary Health Centre, Barun, in the meantime, the mob became violent, started pelting stones,



abused the police personnel, damaged several vehicles and started raising slogan against the administration leading to registration of the FIR against 86 named and 200 unknown persons.

It is submitted by learned counsel for the petitioner that when the mob was proceeded against inaction of police as the police reached at belated stage on the occurrence then in order to save their own skin, the police has lodged present case with false and concocted accusation against the petitioner. Though, the petitioner has been named in the FIR but the accusation is omnibus and general against the mob and similarly situated co-accused, Anil Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 37333 of 2018. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the petitioner is named in the FIR.

Considering the accusation against mob and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of



arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Barun P.S. Case No. 97 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

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

