

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57835 of 2018

Arising Out of PS.Case No. -168 Year- 2018 Thana -GOGRI District- KHAGARIA

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1. Md. Babban, S/o Md.Kuddush @ Kudus
2. Md. Parwej Alam, S/o Late Samsul Zohan
3. Md. Mujahid, S/o Md. Anish
4. Md. Wazeer, S/o Md. Jallauddin, All are resident of Village- Muskipur,
P.S.- Gogri, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

At the outset, it is submitted that during pendency of this
application, the petitioner No. 1 namely, Md. Babban has already
been arrested.

Accordingly, this application with regard to petitioner No. 1
is dismissed as withdrawn.

The rest petitioners are apprehending their arrest in a case
registered under Sections 143, 160, 342, 353, 323, 307 of the
Indian Penal Code.

The prosecution case, in brief, is that on the information of



assaulting a person by uncontrolled crowd, when the informant reached at the place of occurrence, he was that the crowd was assaulting a person. It also came to light that some persons had caused fire-arm injury to Shah Alam.

It has been submitted on behalf of the petitioner Nos. 2 to 4 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. A case was instituted bearing Gogari P.S. Case No. 169 of 2018 with regard to the assault made upon Shah Alam. The accused of Gogari P.S. Case No. 169 of 2018 were fleeing away and in course of that, one accused of Gogari P.S. Case No. 169 of 2018 was apprehend by the mob and he was assaulted and, for the said purpose, the present case was instituted. The name of the petitioners has transpired on the basis of disclosure made by the local Chowkidar. In the present case, 100-200 persons are said to have participated. No specific overt act has been attributed against the petitioners. General and omnibus allegation has been made against the petitioners..

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

Considering the aforesaid facts and circumstances, let the petitioner Nos. 2 to 4, above named, in the event of



arrest/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 learned Chief Judicial Magistrate, Khagaria in connection with Gogari P.S. Case No. 168 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V./-

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