

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61956 of 2018

Arising Out of PS.Case No. -172 Year- 2018 Thana -WARISLIGANJ District- NAWADA

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Bula Yadav @ Ravindra Yadav, Son of Kall Yadav, Resident of Village-Sheikhpurwa, P.S.-Warisaliganj, District-Nawada,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 06-10-2018

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, 149, 341, 323, 427, 283, 332, 333, 353 and 504 of the Indian Penal Code.

The prosecution case as per the written report of Shailendra Kumar Singh, S.I. of Police submitted to the Station House Officer, Warisaliganj P.S. is to the effect that on 30.05.2018 at 8.45 P.M., the informant received an information that Deonandan Prasad, a Chaukidar was killed in a road accident, crushed by the tractor. Subsequently, when the informant reached near the place of occurrence, he found that 15-20 persons have blocked the road and after some time, they started assaulting the police force and other officials and thereby



obstructed the police and the administration to discharge their duty.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general against the mob. The FIR has been lodged against six named and other several unknown persons. It is further submitted that for the occurrence of 30.05.2018, the FIR was registered on 30.05.2018 itself. It appears that that the occurrence took place on 30.05.2018 around 8.45 P.M. but the time of occurrence has been mentioned in the FIR as 9.00 P.M. when the information was received at 8.45 P.M. and the FIR was registered on 31.05.2018 at 1.30 P.M. The FIR reached to the Court of learned Chief Judicial Magistrate on 05.06.2018. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the inconsistency with regard to the time of occurrence, its reporting and the registration of the FIR, delayed reaching to the Court coupled with the fact that the accusation is against the mob, 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 A.C.J.M.II, Nadawa in connection with Warisaliganj P.S. Case No. 172 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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