

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64294 of 2018

Arising Out of PS. Case No.-40 Year-2018 Thana- RAGHOPUR District- Vaishali

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1. Rameshwar Bhagat Son of Dilchand Bhagat
 2. Bidheswar Bhagat Son of Ramanand Bhagat
 3. Awadhesh Bhagat Son of Ramanand Bhagat
 4. Vinod Bhagat Son of Ramanand Bhagat
 5. Vinld Bhagat @ Vinod Paswan Son of Baleshwar Paswan
 6. Sanoj Paswan Son of Baleshwar Paswan
 7. Lal Babu Paswan Son of Bipat Paswan
 8. Shyam Babu Paswan Son of Bipat Paswan
 9. Raj Kumar @ Bahram Paswan Son of Bishundeo Paswan
 10. Suhag Paswan Son of Bishundeo Paswan
 11. Lala Paswan Son of Late Sagar Paswan
 12. Kappu Paswan Son of Late Mohan Bhagat
 13. Arjun Paswan Son of Late Mohan Bhagat
 14. Sanjay Paswan Son of Lala Bhagat
 15. Manjay Paswan Son of Lala Bhagat
 16. Amarnath Paswan Son of SajeevanPaswan
 17. Rajnikant Paswan Son of Bindeshwar Paswan
- All Resident of Village-Mallikpur P.S. Raghopur, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Adv.
For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 06-12-2018 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

Instant prosecution has been initiated at the end of
ASI who along with other police personnel had gone to inspect
the place of occurrence on a complaint made by Sikil Rai after
having been entrusted by the officer-in-charge to the effect that
Rameshwar Bhagat was engaged in constructing pucca house



over Khata No.46, Khesra No.234. When the police forbidden, then in that event, accused persons forming an unlawful assembly, armed variously brick-batted and then, indulged in scuffle as well as as tried to snatched away rifle from the armed personnel. They also tried to set a blaze the vehicle but, was prevented on account of local intervention.

Learned counsel for the petitioners submitted that actually police had acted in partial manner in collusion with the prosecution party who, illegally tried to prevent construction of the house and, having been emboldened in the background of collusiveness of the police, they raided the Dusadh Tole, lit fire and assaulted so many persons for that Raghapur P.S. Case No.42/2018 (Annexure-2) was instituted on 29.05.2018. It has also been submitted that only to give some sort of protection to the accused of aforesaid case, the police on its own has registered instant case without having any specific allegation.

On the other hand, the learned Additional Public Prosecutor opposed the prayer and submitted that lawlessness now a days has become a rule and this case happens to be one of glaring example.

Considering the totality of the event, I do not see it a fit case for grant of anticipatory bail, consequent thereupon,



instant petition is rejected. However, on surrender the learned lower court will consider the prayer in accordance with the allegation having so attributed against an individual being not at all influenced by the order impugned.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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