

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71679 of 2018

Arising Out of PS. Case No.-162 Year-2018 Thana- BELDOUR District- Khagaria

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1. Harikishore Sada, S/o Malodhi Sada
 2. Ranjo Devi, W/o Harikishore Sada
 3. Chama Devi @ Chama, D/o Late Malodhi Sada
 4. Raman Kumar, S/o Jaikant Yadav
 5. Niraj Kumar @ Pappu Yadav, S/o Jaikant Yadav, All resident of Village- Pirnagra, P.S.- Beldaur, District- Khagaria.
 6. Prabhu Narayan Chaudhary, S/o Vipat Chaudhary, Resident of Village- Pachaut, P.S. Beldaur, District- Khagaria.
 7. Rajesh Chaudhary, S/o Manik Chaudhary
 8. Nitish Kumar, S/o Umesh Yadav, Resident of Village- Pirnagra, P.S.- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2018 At the outset, it is submitted by learned counsel for the petitioners that petitioner no. 6, Prabhu Narayan Choudhary and petitioner no 7, Rajesh Choudhary have been arrested, hence this application on their behalf has become infructuous. This application on behalf of petitioner nos. 6 and 7 is dismissed as it has become infructuous.

Heard learned counsels for the parties.

The petitioner nos. 1 to 5 and 8 are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 332, 333, 188, 353, 427, 504 and 506 of the IPC.



The prosecution case, as per the written report of Block Development Officer of Beldaur, Shashi Bhushan Kumar, dated 11.09.2018 submitted to SHO, Beldaur Police Station is to the effect that the on 10.09.2018 after the completion of voting for the election of Block Pramukh, the SDM, Sanjeet Kumar was sitting in the chamber of the BDO, in the meantime, Sanjeet Kumar, Hari Kishore Sada (petitioner no.1), Ranjo Devi (petitioner no.2) and Rameshwar Jha @ China entered into the chamber of BDO and started abusing the SDM. They alleged that the officials have mismanaged the election of Block Pramukh. It is also alleged by the BDO that the accused persons instigated the mob and they captivated the officers of the administration. It is further alleged that Sanjeet Samrat and Harikishore Sada brought people by auto to create violence and they pelted stones and bricks over them.

It is submitted by learned counsel for the petitioners that the accusation has been levelled against the mob, 12 named and 100-150 unknown. Admittedly no injury has been caused to anyone. It is further submitted that for the occurrence of the working hour of 10.09.2018 the FIR was registered on 11.09.2018 at 3.30 P.M. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal



antecedent.

Learned APP submits that several other accused persons preferred application of anticipatory bail before this Court but their application has been disposed of with a direction to the learned Court below to consider their prayer for regular bail.

Considering the fact that the accusation is against the mob, coupled with statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned JM-1st Class, Khagaria in connection with Beldaur P.S. Case No. 162 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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