

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58927 of 2018

Arising Out of PS. Case No.-6 Year-2017 Thana- HABIBPUR District-
Bhagalpur

-
1. Balram Kumar, Son of late Chunchun Mandal
 2. Dashrath Mandal, Son of late Baidnath Mandal, Both Resident of Shiwaji Nagar, Koyari Tola, Police Station- Habibpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-12-2018

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Habibpur P.S. Case No. 06 of 2017 dated 26.01.2017 instituted
under Sections 147, 148, 149, 353, 332, 333, 427, 283, 295,
120(B) of the Indian Penal Code, Section 27 Arms Act and Section
3 of the Prevention of Damage to Public Property Act, 1984.

3. The allegation against the petitioners is that they were
part of a three thousand plus mob, which had prevented the
administration in clearing a land which was disputed by two
communities and further of pelting stones on the police party,



damaging Government vehicles and also attempting to snatch weapons from the police constables.

4. Learned counsel for the petitioners submitted that the F.I.R. is against unknown and after almost one and a half years, three persons have been named and that too based upon some information, the police is said to have got. It was submitted that without there being any specific identification as to who had named the petitioners and that too after one and a half years, clearly the version of the police cannot be relied upon. It was further submitted that only three persons having been identified in a mob of three thousand plus and not within a reasonable time from the lodging of the F.I.R. has made the allegation against the petitioners doubtful. Learned counsel produced before the Court copy of order dated 11.12.2018 passed by a Coordinate Bench in Cr. Misc. No. 61957 of 2018 by which similarly situated co-accused Jai Gobind Verma has been granted anticipatory bail.

5. Learned A.P.P., from the case diary, submitted that a number of police officers were seriously injured and that the police also had to open fire in the air so as to clear the mob and a serious situation relating to maintenance of communal harmony occurred and thus, the Court may now show any leniency in such matters



where the attack is on the social and communal fabric in the society, which should be seriously dealt with.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Nasimul/-

AFR/NAFR	
CAV DATE	
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