

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21262 of 2018

Arising Out of PS.Case No. -34 Year- 2017 Thana -SARAIYA District- MUZAFFARPUR

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1. Satendra Kumar, son of Shatrudhan Paswan
 2. Ajay Kumar, son of Late Ram Chandra Sahni
 3. Rabindra Kumar Sahni @ Rabindra Sahni @ Bhola Sahni, son of Bijali Sahni
 4. Ram Babu Sahni, son of Late Banarasi Sahni
 5. Nawal Kishor Kumar @ Nawal Kishor Sahni, son of Late Yogendra Sahni
 6. Ganninath Sahni @ Gannilal Sahni, son of Late Bishun Sahni
 7. Motilal Sahni, son of Chulhai Sahni
 8. Nand Kishor Sahni, son of Late Yogendra Sahni
 9. Jaleshwar Sahni, son of Kewal Sahni
 10. Mukesh Sahni @ Mukesh Kumar, son of Amarjeet Sahni
 11. Raj Kishor Sahni, son of Late Yogendra Sahni
 12. Sukesh Paswan, son of Deonath Paswan, All Resident of Village- Sahilapatti, Ayodhpur, P.S.- Saraiya, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-04-2018 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Saraiya P.S. Case No. 34 of 2017 for the offences punishable under sections 147, 148, 149, 341, 323, 379, 283, 332, 431, 353 and 504 of the I.P.C.

Allegedly, the petitioner no. 5 Nawal Kishor Kumar



@ Nawal Kishor Sahni and petitioner no. 11 Raj Kishor Sahni along with three named in the FIR instigated the villagers and then the mob started damaging the vehicles and started committing loot-pat. They blocked the road causing difficulties to the Ambulance and other vehicles. 26 persons have been named besides 200 unknown and they obstructed the police personnel from discharging their duty.

Submission is of false implication and that against the petitioners there is no specific allegation for committing any overtact, at best the petitioners were members of mob, no injury has been caused to any one, nothing has been recovered and as such the petitioners having no criminal antecedents deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of petitioner no.5 and petitioner no.11 as against them there is specific allegation for instigating the mob.

In the facts and circumstances stated above, considering the allegation, I am not inclined to grant privilege of pre-arrest bail to petitioner no.5 Nawal Kishor Kumar @ Nawal Kishor Sahni and petitioner no.11 Raj Kishor Sahni and accordingly their such prayer stands rejected.

However, rest of the petitioners, i.e. petitioner



nos. 1, 2, 3, 4, 6, 7, 8, 9, 10 and 12, in case of their arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sub. Judge 1st –Cum- A.C.J.M (West), Muzaffarpur in connection with the aforementioned case, subject to the conditions as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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