

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34746 of 2018

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1. Md. Wasil @ Chote, Son of Md. Dahu,
2. Md. Karim , Son of Md. Rafik. Both resident of Village- Wazitpur, P.S.-
Wazitpur, O.P (Manigachi), District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha
For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 04-07-2018

Heard both sides.

The petitioners apprehend their arrest in Manigachi P.S. case No. 14 of 2016 under Sections 147, 148, 149, 341, 323, 307, 333, 353, 386, 379, 427, 504, 506 and 120B of the Indian Penal Code and ¾ of prevention damage of Public Property Act.

The informant, S.H.O. of wazitpur O.P. alleged that while he was sitting on the premises of Police outpost, Md. Isha Kunjra, Md. Musa, Nurul Hoda, Md. Gulab, Md. Mokim, Ashfak, Md. Noor Mohamad, Md. Jahir, Nasirul Pamarina and others having armed with bricks and sticks entered into the O.P. premises and made protest on the allegation that Shailendra Yadav, killer of Vakil Kunjra for which Manighachi P.S. case no. 11 of 2016 is registered has been let off by the S.H.O. of Manigachi P.S. even



after arrest. Md. Isha exhorted the mob to kill the Police Officials. It is further alleged that members of the mob ransacked the Police station and also damaged public property,

The learned counsel for the petitioners submits that petitioners are named in the F.I.R. at Sl. No. 6 and 9 but no specific allegation is made against them. In fact the petitioners are witnesses in the case of murder of Vakil Kunjra for which Majighachi P.S. case no. 11 of 2016 is registered. The police in collusion with Shailendra Yadav, the main accused of the aforesaid case, implicated the petitioners. It is further submitted that similarly situated accused, Nasirul Pamaria, whose name stands at Sl. No. 11 of the accused column has already been granted anticipatory bail vide order dated 26.04.2018 passed in Cr. Misc. No. 21486 of 2018 and case of the petitioner stands on the same footing.

Having considered the facts that of course the petitioners are named in the F.I.R. but no specific allegation is made against them and similarly situated co-accused Nasirul Pamaria has already been granted anticipatory bail, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be



enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Dharbhanga, in connection with Manigachi P.S. case No. 14 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/-Rajan

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