

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53373 of 2018

Arising Out of PS. Case No.-376 Year-2018 Thana- MOHANIYA District- Bhabhua (Kaimur)

1. Deepak Jaiswal, S/o Naurang Jaiswal, R/o Mohalla- Ward No. 11, P.S.- Mohania, District- Kaimur (Bhabua).
2. Arshad @ Chillu @ Chhillu S/o late Gafur Rayeen, R/o vill.- Barkatnagar, Mohania, P.S.- Mohania, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate
		Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-10-2018 Heard learned Senior Counsel for the petitioners and
learned APP for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Moania P. S. Case No. 376 of 2018 registered for the offences punishable under Sections 307, 279, 353, 332, 333, 337, 511, 147, 148, 149 of the Indian Penal Code and Section 27 of the Arms Act.

It appears on perusal of the impugned order passed by the learned Additional Sessions Judge I, Kaimur at Bhabhua that so far as these petitioners are concerned, the allegations against them is that they were actively participating in throwing bricks and stones and causing firing on the police officials. There is



also an allegation that attempts were made to snatch away the arms of the Police officials. There are injuries on the body of the Police personnel.

Learned counsel for the petitioners submits that the name of these petitioners said to have been disclosed by the Chowkidar and the local people, however, there is no further statement of the Chowkidar and hence, identification of these petitioners in connection with the alleged occurrence has not been even prima facie established.

Learned APP for the State has opposed the prayer of anticipatory bail to the petitioners. It is submitted that these petitioners are named in the FIR and in fact, the whole alleged occurrence has been videographed and these petitioners have been identified as antisocial elements who were participating in the alleged occurrence.

In the given facts and circumstances of the case where these petitioners are named and the allegations are that they had been actively participating in throwing bricks and stones on the Police personnel and had caused injuries in the indiscriminate throwing of stones, this Court is not inclined to grant privilege of anticipatory bail to the petitioners, accordingly, their such prayer stands rejected.



In case the petitioners surrender in the court below within four seek from today and pray for regular bail, the court below shall consider the same on the basis of the materials available on the record without being prejudiced by the order of this Court rejecting the prayer of anticipatory bail.

This application stands dismissed.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

