

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61787 of 2018

Arising Out of PS. Case No.-309 Year-2018 Thana- KOTWALI District- Munger

Md. Arif, S/o Late Md. Tasleem, R/o Ghasiyar Mohalla- Near Guljar Pokhar,
P.S.- Kotwali, District- Munger, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 447, 353 and 427 of the Indian Penal Code.

The prosecution case as per the written report of Dinesh Kumar, the Encroachment In-Charge, Munger Municipal Corporation submitted to the Station House Officer, Munger Kotwali Police Station is to the effect that on 07.08.2018, the informant was getting the encroachment removed from Traffic No.1, in the meantime, the petitioner along with other accused persons protested and obstructed the informant from removing the encroachment. Videography of the proceeding for removal of encroachment was done, which is the part of the FIR.



It is submitted by learned counsel for the petitioner that the petitioner had a temporary shop at the place from where the said encroachment was being removed and he simply made protest for undue force being applied by the informant. Admittedly, as per the FIR, no one received any injury. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR with specific accusation.

Considering the nature of accusation against the mob, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **CJM, Munger** in connection with **Kotwali P.S. Case No. 309 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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