

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27079 of 2018

Arising Out of PS.Case No. -426 Year- 2017 Thana -BIHPUR District- BHAGALPUR

=====

Pairu Ansari @ Faijan Ansari S/o Sakur Ansari, R/o Vill./Mohalla- Momin
Tola, Jhandapur, P.S.- Bihpur (Jhandapur), Distt.- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 03-05-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 149, 323, 341, 342, 353, 504 of the Indian Penal Code and Section 5 of the Essential Services Maintenance Act, 1968.

The prosecution case as per the self statement of S.I. Jawahar Lal Singh of Bihpur (Jhandapur) P.S. dated 12.10.2017, is to the effect that on 12.10.2017 at 6.15 A.M. the informant received information through mobile phone that one unknown vehicle has dashed the motorcyclists at NH-31. Two persons of the motorcycle have died on the spot. On this information the informant reached on the spot and got the



identification of the dead person made as Khurshid Ansari and Firoz Ansari, when the dead bodies were being taken for post-mortem then a mob of 100 people reached there, blocked the road and made protest, as a result, the traffic was obstructed. Through the video clippings 18 persons were identified when the FIR was lodged against 30-35 unknown also.

It is submitted by learned counsel for the petitioner that the protest was made by mob due to the inaction of the police and the police in order to save its own skin, maliciously, lodged the present case. The accusation is omnibus and general against the mob. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, similarly situated co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 14606 of 2018.

Learned APP, however, submits that the petitioner is named in the FIR.

Considering the accusation against the mob and similarly situated co-accused persons having been granted anticipatory bail coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Naugachiya, District – Bhagalpur in connection with Bihpur (Jhandapur) P.S. Case No. 426 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

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

