

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37664 of 2018

Arising Out of PS. Case No.-450 Year-2017 Thana- BHAGWAN BAZAR District- Saran

1. Shubham Kumar, Son of Vinod Kumar,
 2. Deepak Kumar, Son of Bhuwali Mahto @ Chulhai Mahto (But in FIR wrongly named as Chulhai Mahto),
 3. Bhola Kumar @ Bhola Mahto, Son of Chulhai Mahto,
- All are resident of Village- Ratanpura Ashutosh Lane, P.S.- Bhagwan Bazar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 337, 341, 353, 436, 452 and 504 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 07.11.2017 submitted by ASI, Mithilesh Kumar to the Station House Officer, Bhagwan Bazar Police Station to the effect that on 05.11.2017 at 09.30 A.M. in an incident of assault between the family members of Chhote Lal Rai and Bhagwan Rai, Chhote Lal Rai was killed. On receiving such information, the police reached the place of occurrence and tried to pacify the



mob, but the mob entered into the house of Bhagwan Rai and started throwing the household articles from his house on the road. The mob also pelted stones on the police and set the police vehicle on fire, leading to registration of FIR against 15 named and 100 to 150 unknown persons.

It is submitted by learned counsel for the petitioners that the accusation is against the mob. The mob was protesting against the inaction of the police in connection with a murder case and in order to save their own skin, the present case has been lodged. The accusation is not specific against the petitioners. The petitioners are not named in the cases, lodged earlier either for the murder of Chhote Lal Rai or in the counter version filed on behalf of the family members of Bhagwan Rai. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that the petitioners are named in the FIR.

Considering the accusation against the mob, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No.450 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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