

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39725 of 2018

Arising Out of PS. Case No.-206 Year-2016 Thana- PAKARIBARAW District- Nawada

Chhotu Kumar, S/o Alakhdeo Das, R/o Vill.- Pakri Barawan, P.S.- Pakri Barawan, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.

For the Opposite Party/s : Smt. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2018 Heard learned Counsels 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, 148, 149, 323, 307, 353 and 427 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 28.10.2016 submitted by Circle Officer to the Station House Officer, Pakri Barawan Police Station is to the effect that on being received information to the effect that two children have been died due to drowning, the informant went to Primary Health Centre, Pakribarawan and found the presence of a mob and the police force and in the meantime, the mob started assaulting the doctor, medical staff and police personnel. The mob also damaged the articles and property of the hospital and vehicles. Thereafter, with the help of local persons and



photography of the occurrence, the family members of deceased and other anti-social elements were identified, leading to registration of FIR against 100-150 unknown persons.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general. In fact, the mob was protesting against the inaction of the police and administration, hence, the present case has been lodged. It is further stated that the co-accused, Afzal Alam and Md. Hasim Ansari have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 63652 of 2017. 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 was part of the mob, who assaulted the doctor and medical staff.

Considering the accusation against the mob, co-accused have been granted bail, 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 Judicial Magistrate, 1st Class, Nawada, in connection with Pakri Barawan P.S. Case No.206 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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