

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10772 of 2019

Arising Out of PS. Case No.-163 Year-2018 Thana- MADHUBAN District- East Champaran

1. Raj Kumar, aged about 28 Years, Male, Son of Rabindra Prasad.
2. Dilip Kumar, aged about 27 years, Male, Son of Late Basudeo Bhagat.
3. Vinod Prasad @ Vinod Kumar, aged about 26 years, Male, Son of Ramanand Prasad.

All are residents of Village Bhavrua, P.S. Madhuban, District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 25-02-2019 Heard both sides.

The petitioners apprehend their arrest in Madhuban P.S. Case No.163 of 2018, registered under Sections 147, 148, 149, 341, 323, 324 and 307 of the Indian Penal Code.

Sant Lal Paswan, a guard of Sri Maheshwar Prasad Narayan Singh, the owner of Madhuban Estate, alleged that while he along with his owner and others were going on a vehicle with his family members to Muzaffarpur and when the vehicle reached near Mela Bazar Inspector Chowk, he saw a procession coming from Mela Bazar. Sri Maheshwar Prasad Narayan Singh instructed his driver to stop the vehicle by the side of the road. The driver parked the vehicle by the side of the



road. Ajay Kumar was leading the mob and the members of the mob were armed with *lathi*, *phattha* and other sharp weapons who damaged the vehicle and on protest, Dilip Kumar and Raj Kumar along with others dragged the driver and brutally assaulted him. The driver, Nunu Kumar Singh @ Dipak Singh, was brought to PHC, Madhuban from where he was referred to S.K.M.C.H, Muzaffarpur.

Mr. Umesh Chandra Verma, the learned counsel appearing on behalf of the petitioners submits that there was a strong mob of more than 250 persons and assaulted the driver of the vehicle. Petitioners no.1 and 2 are of course named in the FIR and are alleged to have dragged the driver of the vehicle but there is no specific allegation against Vinod Prasad @ Vinod Kumar, petitioner no.3. Similarly situated co-accused, namely, Ajay Kumar has been granted anticipatory bail by order dated 17.12.2018, passed in Cr. Misc. No.71606 of 2018 by a co-ordinate Bench of this Court. It is further submitted that one Chandan Kumar has also been granted bail but I am not persuaded to grant bail to the petitioners. It is a case of mob fury. The owner of Madhuban Estate along with his family members was going to Muzaffarpur but the processionists without any rhyme and reason surrounded the vehicle of the



informant and brutally assaulted the driver and also damaged the vehicle. It is a case of madness of the mob and every member of the mob is equally responsible for such act.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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

