

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10636 of 2019

Arising Out of PS. Case No.-128 Year-2018 Thana- BHABHUA District- Bhabhua (Kaimur)

1. Rajan Seth, Son of Jhulan Seth, Resident of Village- Betari, P.S.- Bhabua, District- Kaimur at Bhabua.
2. Munna Singh, Son of Late Ganga Singh, Resident of Village- Betari, P.S.- Bhabua, District- Kaimur at Bhabua.
3. Guddu Tiwari, Son of Late Rajendra Tiwari, Resident of Village- Betari, P.S.- Bhabua, District- Kaimur at Bhabua.
4. Balwant Patel @ Balwant Gond, Son of Gopnath Singh, Resident of Village- Betari, P.S.- Bhabua, District- Kaimur at Bhabua.
5. Anil Kumar Singh, Son of late Basu Singh, Resident of Village- Betari, P.S.- Bhabua, District- Kaimur at Bhabua.
6. Rajesh Singh Son of late Gopal Singh Resident of Village- Betari, P.S.- Bhabua, District- Kaimur at Bhabua.
7. Vrishn Patle @ Vrishan Patel, Son of Munna Singh, Resident of Village- Betari, P.S.- Bhabua, District- Kaimur at Bhabua.
8. Sanjay Singh, Son of Awadhesh Singh, Resident of Village- Betari, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mrs. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 323, 341, 506 and 153A of the IPC.

The prosecution case, as per the written report of Pramod Kumar Gupta, Revenue Karamchari-cum-Incharge Circle Officer, Bhabua, dated 17.02.2018, submitted to the Station



House Officer, Bhabua Police Station, is to the effect that on 16.02.2018, a scuffle took place between two communities. On 17.02.2018 at 3 P.M., all the accused persons blocked the road and started assaulting the Muslim passengers of different vehicles on the road by asking their religion.

It is submitted by learned counsel for the petitioners that accusation against the petitioners is omnibus and general. A statement has been made in paragraph no.3 of the petition that apart from petitioner nos. 2 and 3, who are also made accused in one other case, rest of the petitioners are not having any criminal antecedent. It is further submitted that similarly situated co-accused persons have been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 07.01.2019, passed in Cr. Misc. No. 70449 of 2018.

Learned APP submits that the accusation against the petitioners are specific.

Considering the omnibus and general accusation against the mob, let the above named petitioners be released on provisional anticipatory bail for six months in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount



each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 128 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The Station House Officer of the local police station will submit a monthly report with regard to the conduct of the petitioners before the learned Court below and on being satisfied with the report of the S.H.O., then the provisional bail of the petitioners will be confirmed by the learned Court below.

(Dinesh Kumar Singh, J)

Amrendra/-

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