

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12004 of 2019

Arising Out of PS. Case No.-129 Year-2018 Thana- BISFI (PATAUNA) District- Madhubani

Kanhaiya Ram @ Kananiya Ram, Son of Kishori Ram, Resident of Village -
Nahas Rupauli, P.S.- Bisfi (Patauna), Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2019 Heard leaned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 07.09.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 304, 332, 333, 353, 109, 114, 117, 427, 435, 379, 504, 506 and 511 of the Indian Penal Code and under Section 3 of Prevention of Damage to Public Property Act.

The prosecution case as per the self statement of Hanuman Choudhary, S.I.-cum-S.H.O. of Bisfi (Patauna O.P.) dated 05.06.2018 at 01.30 P.M., is to the effect that a child thief was brutally assaulted and handed over to the police by Ganga Nath Jha, being Panchayat Mukhiya, Rupauli, which was protested by the mob. It is further alleged that when police tried to pacify the issue, the mob damaged the police vehicle, tried to



snatch away carbine of the police and interrupted them in performing their official duty, leading to registration of FIR against 32 named and 100-150 unknown accused persons.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general against the mob. Moreover, similarly situated co-accused person Lalit Kunwar @ Lalit Thakur has been granted anticipatory bail by Co-ordinate Bench of this Court, vide order dated 01.02.2019, passed in Cr. Misc. No.5755 of 2019, co-accused Bhogendra Mandal and Rajesh Ram @ Rakesh Ram have been granted regular bail by Co-ordinate Bench of this Court, vide order dated 26.09.2018, passed in Cr. Misc. No.58230 of 2018, co-accused Gudri Das has been granted regular bail by Co-ordinate Bench of this Court, vide order dated 21.01.2019, passed in Cr. Misc. No.765 of 2019 and co-accused Surya Kant Chaudhary @ Surya Kant Chaudhari has been granted regular bail by Co-ordinate Bench of this Court, vide order dated 07.02.2019, passed in Cr. Misc. No.4125 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR.



Considering the fact that the thrust of accusation is against the mob, coupled with the statement being 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **A.C.J.M. Benipatti, Madhubani** in connection with **Bisfi (Patauna) P.S. Case No.129 of 2018.**

(Dinesh Kumar Singh, J)

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