

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12561 of 2019

Arising Out of PS. Case No.-268 Year-2013 Thana- KISHANGANJ District- Kishanganj

1. Shahil @ Chhotu Sahil, aged about 34 years, Male, Son of Late Ishak
 2. Shamshad @ Shamshad Alam, aged about 36 years, Son of Late Noor
Mohammad, Male
 3. Md. Nasim @ Nasim, aged about 36 years, male Son of Khudadin
- All Resident of Village - Tegharia, P.S. and Distt.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-03-2019 Heard learned Counsels 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, 427, 109 and 353 of the Indian Penal Code and Section 3 (2) (e) of the Prevention of Damage to Public Property Act, 1984.

The prosecution case as per the written report of Satyendra



Kumar Sahay, Circle Officer, Kishanganj Block submitted to SHO, Kishanganj Police Station is to the effect that on 10.07.2013, the informant found the NH-31 blocked by some 100-125 people, due to which, there was a huge traffic jam on the road. The informant tried to pacify the issue, but the accused persons disobeyed the orders and also damaged public properties. It is further alleged that similar traffic blockage was also created on the road on 08.07.2013 by the petitioners.

It is submitted by learned counsel for the petitioners the accusation is against the mob and the FIR is registered against the petitioners and other 100-125 unknown accused persons. It is further submitted that in fact, the mob was protesting for construction of water reservoir, and the protest was being made for last several days, but the FIR was registered after three days of the alleged occurrence. 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 learned APP for the State that the petitioners are named in the FIR.

Considering the fact that accusation is 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, Kishanganj** in connection with **Kishanganj P.S. Case No.268 of 2013**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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