

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20968 of 2019

Arising Out of PS. Case No.-223 Year-2018 Thana- PALASI District- Araria

1. BAUNA RISHIDEO Son of Vishnu Rishidev Resident of Village-Majalispur, P.S-Palasi, District-Araria
2. Mohan Rishideo Son of Vishnu Rishidev, Resident of Village-Majalispur, P.S-Palasi, District-Araria
3. Sohan Rishdeo @ Sonu Rishidev Son of Vishnu Rishidev, Resident of Village-Kamat Tola, Pakari, P.S-Palasi, District-Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard learned Counsel 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, 341, 342, 323, 307, 353, 337, 338, 504, 189 and 120B of the Indian Penal Code.

The prosecution case as per the self statement of S.I., Om Prakash, SHO Palasi Police Station is to the effect that on 09.08.2018 at 7.00 P.M., the informant received the information that the victim of Palasi P.S. Case No.222 of 2018 who was being kidnapped, her dead body has been found near Surikia



river. After having received such information, the informant along with police force went at the spot and found that public has blocked the road and the mob was being led by co-accused Santosh Jha. The mob also started pelting stones, as a result, the informant and other people received grievous injuries. Subsequently, from the local people, 29 persons were identified and hence, the case was lodged against 29 named in the FIR and 300-400 unknown male and female. The petitioner is not named in the FIR, his name subsequently sprang up during investigation as a person who also took active participation with the mob.

It is submitted by learned counsel for the petitioners that the petitioner is not named in the FIR, but his name subsequently sprang up during investigation and the accusation is omnibus and general against the mob. It is further submitted that in fact, the mob was protesting against the inaction of the police, since one person who was being kidnapped was killed by the accused persons, but the police has not taken any action, but in order to save their own skin, the present case has maliciously been lodged against several persons. 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 though the petitioner is not named in the FIR, but his name subsequently sprang up during investigation

Considering the fact that the petitioner is not named in the FIR, his name sprang up subsequently during investigation, the omnibus and general accusation has been levelled against the mob coupled with statement made in paragraph no.3 of the petition that the petitioner is 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 ACJM-VI, Araria in connection with Palasi P.S. Case No.223 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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