

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74255 of 2018

Arising Out of PS. Case No.-462 Year-2013 Thana- FORBESGANJ District- Araria

Praveen Kumar @ Praveen Sah, S/o Late Kailash Sah Resident of Ward No. 16, R.N. Dutta, Road, Forbesganj, P.S. Forbesganj, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-01-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,341,323,504,307 and 353 of the IPC and Section 151(1)(2) of the Indian Railways Act.

The prosecution case got initiated with the written report of SI Harendra Kumar Singh dated 16.11.2013 submitted to the SHO, Forbesganj Police Station is to the effect that on the same day in protest of a robbery committed during procession of Moharram by some anti-social elements on 15.11.2013, a call for 'band' (closure) was made by Akhil Bhartiya Vidyarthi Parishad. When the informant along with other police officials reached at Subhash Chowk, he found a mob of 150-200 people disturbing the law and order and creating disturbance in smooth



function of traffic on the road and burning tyres on the railway track and obstructing the smooth running of railways, leading to registration of FIR against 12 persons and 800 unknown.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general against the petitioner. Moreover, similarly situated co-accused, named in the FIR, have been granted anticipatory bail vide Cr. Misc. Nos. 44456 of 2015 and 61480 of 2018. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the accusation being omnibus and general, coupled with statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Araria in connection with Forbesganj P.S. Case No. 462 of 2013 subject to the conditions laid down in Section 438(2) of the Cr.P.C.



Since the FIR was registered in 2013 wherein the petitioner was named and the present application has been preferred in 2018, the learned Court below will be at liberty to cancel the bail bonds of the petitioner in case he defaults on three consecutive occasions.

(Dinesh Kumar Singh, J)

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