

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47966 of 2019

Arising Out of PS. Case No.-226 Year-2016 Thana- BIBHUTIPUR District- Samastipur

1. RAVINDRA RAI @ RAVINDRA KUMAR RAI, Son of Ram Ashish Rai, Resident of Village - Kalyanpur Milki, P.S. - Bibhutipur, District - Samastipur.
2. Ashok Rai, Son of Suraj Rai, Resident of Village - Kalyanpur Milki, P.S. - Bibhutipur, District - Samastipur.
3. Prem Lal Ram, Son of Late Srilal Ram, Resident of Village - Kalyanpur Gadh, P.S. - Bibhutipur, District - Samastipur.
4. Siya Ram Mahto @ Sifram Mahto, Son of Parikshan Mahto, Resident of Village - Kalyanpur Milki, P.S. - Bibhutipur, District - Samastipur.
5. Satrugan Paswan, Son of Late Akalu Paswan, Resident of Village - Kalyanpur North, P.S. - Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Adv.
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 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 143, 144, 147, 148, 353 and 504 of the Indian Penal Code.

The prosecution case got initiated on the self statement of the informant, Ravindra Prakash, A.S.I. of Bibhutipur Police Station to the effect that on 04.10.2016 at about 6.45 P.M., the S.H.O., Bibhutipur after having received an information to the effect that the injured person of Bibhutipur P.S. Case No.217 of



2016 was died and the nearby people have blocked the Kalyanpur Chowk, consequently the informant along with other reached at the spot and found that the petitioners along with about other 200 persons variously armed have blocked the road and they are raising slogans against the administration and are not allowing the police to send the dead body for post-mortem. The mob not only blocked the road, but also obstructed the police in discharging their official duties.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the mob. In fact, the mob were protesting against the inaction of the police but in order to save their skin, the police has maliciously lodged the present case against the petitioners and other co-accused.

It is submitted by learned APP for the State that though the thrust of accusation is against the mob but the petitioners not only blocked the road but also obstructed the police from discharging their official duties. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Considering the thrust of accusation 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 Judicial Magistrate, 1st Class, Rosera, Samastipur, in connection with Bibhutipur P.S. Case No.226 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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