

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77392 of 2018

Arising Out of PS. Case No.-44 Year-2013 Thana- MANIHARI District- Katihar

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Pintu Yadav S/o Upendra Yadav, R/o Vill.- Kumaripur, P.S.- Manihari,
District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26746 of 2019

Arising Out of PS. Case No.-44 Year-2013 Thana- MANIHARI District- Katihar

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MOSIM ALI @ MUSA Son of Ishak Ali Resident of Village - Kumaripur,
P.S.- Manihari, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 77392 of 2018)

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Smt. Nirmala Kumari

(In CRIMINAL MISCELLANEOUS No. 26746 of 2019)

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Pancha Nand Pandit

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 05-07-2019 Since the petitioner of both the aforesaid application apprehends his arrest in connection with Manihari P.S. Case No.44 of 2013 registered under Sections 147, 148, 149, 341, 323, 324, 326, 307, 353, 427 and 120(B) of the Indian Penal Code, therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.



The accusation is that in course of checking of the vehicle, the informant received information about lying a dead body in the maize field. Thereafter, the informant along with other police personnel reached in the maize field, where a dead body female was found and Md. Islam was apprehended as suspected assailant. After that, inquest report was prepared and the dead body was sent to Sadar Hospital, Katihar, for post-mortem examination but, in the way, the dead body was taken by the family members of the deceased to the house and, thereafter, the dead body was put by the mob on Manihari and Katihar Main Road, whereupon mob raised sloagons against the police party. When the police reached there, then mob started pelting stones, as a result whereof several police personnel sustained injury. The spy and local chowkidars identified 35 persons, named in the F.I.R., including the petitioners.

Learned counsel for the petitioners submits that the petitioners are said to be the members of mob without any specific overt act. The petitioners have no criminal antecedents. Further submission is that the similarly situated co-accused Md. Zahangir alias Zahangir, whose name finds place at serial no.6 in the accused column of the F.I.R., has already been granted the privilege of pre-arrest bail by a Bench of this Court vide order



dated 27.07.2016 passed in Criminal Misc. No.28063 of 2016

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, in connection with Manihari P.S. Case No.44 of 2013, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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