

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60401 of 2019

Arising Out of PS. Case No.-194 Year-2019 Thana- ATRI District- Gaya

1. Rajesh Yadav @ Rajesh Yada, aged about 37 years, male, Son of Late Bachchu Yadav @ Bachhu Yadav, Resident of Village - Panditpur Sohail, P.S.- Atri, District - Gaya.
2. Vicky Paswan @ Bhicky Paswan, aged about 31 years, male, Son of Late Mahendra Paswan, Resident of Village - Panditpur Sohail, P.S.- Atri, District - Gaya.
3. Rajesh Yadav, aged about 38 years, male, Son of Baldeo Yadav, Resident of Village - Panditpur Sohail, P.S.- Atri, District - Gaya.
4. Akhilesh Kumar @ Aklesh Kumar, aged about 20 years, male, Son of Murari Manjhi, Resident of Village Panditpur Sohail, P.S. Atri, District Gaya.
5. Sidheshwar Yadav @ Sidheshwar Prasad, aged about 47 years, male, Son of Late Jharo Yadav, Resident of Village Panditpur Sohail, P.S. Atri, District Gaya.
6. Shyam Bihari Mistri, aged about 49 years, male, Son of Late Prameshwar Mistri, Resident of Village - Panditpur Sohail, P.S.- Atri, District - Gaya.
7. Yogendra Kumar Yadav @ Yogendra Prasad @ Yogendra Yadav, aged about 36 years, male, Son of Arjun Yadav @ Arjun Prasad @ Arjun Prasad Yadav, Resident of Village - Panditpur Sohail, P.S.- Atri, District - Gaya.
8. Lakhan Manjhi, aged about 79 years, male, Son of Late Paro Manjhi, Resident of Village - Panditpur Sohail, P.S.- Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Syed Asgher Najmi
For the Opposite Party/s	:	Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 18-12-2019 Heard both sides.

The petitioners apprehend their arrest in Atri P.S. Case No.194 of 2019, registered under Sections 147, 148, 149, 341, 323, 337, 338, 332, 333, 353, 307, 504 and 506 of the Indian Penal Code and under Section 135 of the Representation of



Peoples Act.

The informant, S.H.O. of Atri P.S., alleged that on 19.05.2019 at 6.30 in the morning, the Presiding Officer and other election personnel were doing mock exercise of holding election but some miscreants of village Panditpur having armed with different weapons came in the premises of the school, threatened the election officials who were deputed for holding election in order to cause panic amongst them. They also tried to damage the EVM machine. When the police came there, the accused persons pelted stones at the police officials in which Chowkidar sustained injuries.

Learned counsel for the petitioners submits that the occurrence is said to have taken place on 19.05.2019 at 6.30 in the morning but the police who was present at the place of occurrence registered the FIR on the basis of the written application of S.H.O., Atri on 20.05.2019 but the FIR was sent to the court on 24.05.2019. This fact itself shows the falsity of the case and the S.H.O., Atri, the informant of the case, infact antedated the First Information Report and lodged the case after making false allegation. The petitioners were granted provisional anticipatory bail vide order dated 26.09.2019. Nobody got any injury on account of pelting of stones.



The learned Additional P.P. on the other hand vehemently opposed the prayer for anticipatory bail.

From perusal of the FIR, it appears that Prashant Kumar, S.H.O. of Atri P.S., submitted a written application on 20.05.2019, on the basis of which the present FIR was registered on 20.05.2019 but it appears that the FIR was sent to the court of learned A.C.J.M.-XIII on 24.05.2019. It further appears that omnibus and general allegation of pelting stones on the police official and election officials was made but nobody was injured save and except the Chowkidar who also got one superficial injury. The petitioners have already been granted provisional bail vide order dated 26.09.2019 and the petitioners also furnished the bail bonds in pursuance of the order dated 26.09.2019.

Considering the facts aforesaid, the provisional anticipatory bail granted to the petitioners on 26.09.2019 is confirmed.

(Prabhat Kumar Jha, J)

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