

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79705 of 2019

Arising Out of PS. Case No.-46 Year-2018 Thana- SIMULTALLA District- Jamui

1. PRAVEEN MANDAL S/o Dhaneshwar Mandal R/o village- Gadi Telwa, P.S.- Simultalla, District- Jamui (Bihar)
2. Suchit Mahato @ Sujit mandal S/o Rameshwar Mahto R/o village- Ghasitari, P.S.- Simultalla, District- Jamui (Bihar)
3. Ajit Kushwaha @ Ajit Kumar Kushawaha S/o Nand Varma R/o village- Telwa Gidi, P.S.- Simultalla, District- Jamui (Bihar)
4. Md. Sajjad S/o Late Sirajul R/o village- Siyatarh, P.S.- Simultalla, District- Jamui (Bihar)
5. Manoj Sharma S/o Ramdeo Sharma R/o village- Nawadih, P.S.- Simultalla, District- Jamui (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Simultala P.S. Case No. 46 of 2018 registered for the offence punishable under sections 147, 149, 341, 323, 353, 447, 448, 427, 504 and 506 of the Indian Penal Code.

As per allegation made in the F.I.R., it is stated by the informant that on receiving information that dead body of a



person, who had died in a motorcycle accident, is lying on the road, the police reached there. It is stated that a large number of persons as also the relatives of the deceased had gathered and created scene, raising slogans against the police personnel and was preventing the police from performing their work. Amongst the thirteen named accused persons and 50-60 unknown persons, the five petitioners are named in the FIR.

It is submitted by learned counsel for the petitioners that the allegations are general and omnibus in nature. The protest was as a result of a road accident of a person on motorcycle and his consequential death. It is further submitted that allegations as levelled against them are incorrect and in fact it was the relatives, who were protesting against the police inaction and had also lodged an FIR which has been brought on record as Annexure-2 to this application. Petitioners have no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the nature of allegations, the petitioners having no criminal antecedent and the non bailable offence under section 353 being triable by a Magistrate, the Court is inclined to grant anticipatory bail to the petitioners. The petitioners are directed



to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Simultala P.S. Case No. 46 of 2018, subject to the condition as laid down under section 438(2) of the Cr.P.C. .

(Partha Sarthy, J)

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