

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75303 of 2018

Arising Out of PS. Case No.-705 Year-2017 Thana- BIHTA District- Patna

=====

Kush Kumar son of Anil Kumar, Resident of Village and Police Station-
Bihta, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Sri Ataur Rahman

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337, 435, 353, 504 and 427 of the Indian Penal Code.

The prosecution case as per the written report of Brajballav Singh, Sub-Inspector of Police, Bihta P.S. submitted to the Station House Officer of Bihta P.S. is to the effect that on 15.09.2017 at 4.00 P.M., while patrolling the informant received an information that owner of a cinema theatre namely, Nirbhay Kumar Singh has been killed by some miscreants. Thereafter, the informant reached at the place of occurrence but 500-600 people gathered and started raising slogans against the police and the



administration, they abused and pelted stones on the police, as a result, some police personnel received injury and they put the vehicle on fire. It is further alleged that the petitioner, Kush Kumar and co-accused Law Kumar were leading the mob.

It is submitted by learned counsel for the petitioner that the accusation is against the mob. The mob of 500-600 persons protesting against the inaction of the police and the police in order to save his skin lodged the present case. A 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, who was leading the mob, but also submitted that the accusation is against the mob.

Considering the accusation against the mob, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur, Patna in connection with Bihta P.S. Case



No. 705 of 2017, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

