

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4711 of 2020

Arising Out of PS. Case No.-162 Year-2018 Thana- KANHAULI District- Sitamarhi

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SUNIL KUMAR @ GOPAL KUMAR S/o Bidhanand Mahto Resident of
Village- Kanhauli, P.S.- Kanhauli, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 147, 148, 149, 323,
324, 307, 353, 427, 447, 448, 452, 379, 390, 120B, 504, 506,
193 of the Indian Penal Code and Sections 3/4 of The
Prevention of Damage to Public Property Act, 1984.

The prosecution case as per the self statement of the
informant S.I. Rakesh Gosai, S.H.O., Kanhauli Police Station is
to the effect that on 28.12.2018 at 3.00 P.M., 37 FIR named
accused persons along with 100 unknown entered into the police
station and asked about arrest of accused persons accused of
Kanhauli P.S. Case No. 160 of 2018. The informant assured



them that the police will definitely take necessary action against the accused persons of the aforesaid case. Subsequently, all the accused persons, including the petitioner, blocked the main road and damaged the public property.

It is submitted by learned counsel for the petitioner that the accusation is omnibus and general against the mob. In fact, the public was protesting against the inaction of the police in connection with Kanhauli P.S. Case No. 160 of 2018 lodged for kidnapping of a boy, but in order to save their skin, the police has lodged the present case maliciously. It is further submitted that similarly situated co-accused, Bhola Mahto and Mahesh Mahto and Ors. have been granted anticipatory bail by different Co-ordinate Benches of this Court vide order dated 06.03.2019 and 11.04.2019 passed in Criminal Miscellaneous No. 13843 of 2019 and Criminal Miscellaneous No. 22634 of 2019 respectively. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR.

Considering the fact that the accusation is omnibus and general against the mob and similarly situated co-accused



have been granted anticipatory bail by a Co-ordinate Bench of this Court, coupled with statement made in paragraph no.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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 5th Judicial Magistrate-V, Sitamarhi, in connection with Kanhauli P.S. Case No.162 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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