

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15431 of 2020

Arising Out of PS. Case No.-213 Year-2019 Thana- BATHNAHA District- Sitamarhi

1. Shailendra @ Shailendra Kumar, aged about 30 years, Male, Son of Upendra Sah, Resident of Village Kamaldah, P.S. Bathnaha, Distt Sitamarhi.
2. Manishankar Kumar @ Mani Kumar, aged about 27 years, Male, Son of Prakash Prasad, Resident of Village Kamaldah, P.S. Bathnaha, Distt Sitamarhi.
3. Kamlesh Thakur, aged about 35 years, Male, Son of Mahendra Thakur, Resident of Village - Kamaldah, P.S.- Bathnaha, Distt - Sitamarhi.
4. Saroj Kumar, aged about 22 years, Male, Son of Raje Bhandari, Resident of Village - Kamaldah, P.S.- Bathnaha, Distt - Sitamarhi.
5. Munnilal Mandal, aged about 40 years, Male, Son of Chakradhan Mandal, Resident of Village - Kamaldah, P.S.- Bathnaha, Distt - Sitamarhi.
6. Sriram Mandal, aged about 38 years, Male, Son of Shivnandan Mandal, Resident of Village - Kamaldah, P.S.- Bathnaha, Distt - Sitamarhi.
7. Upendra Sah, aged about 55 years, Male, Son of Late Ganga Sah, Resident of Village - Kamaldah, P.S.- Bathnaha, Distt - Sitamarhi.
8. Shivam Kumar @ Shivam Singh, aged about 20 years, Male, Son of Kailash Singh, Resident of Village - Kamaldah, P.S.- Bathnaha, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-09-2020 Heard learned counsel for the petitioners and Mr. Akshay Lal Pandit, learned Additional P.P. through video conferencing.

The petitioners apprehend their arrest in Bathnaha P.S. Case No.213 of 2019, registered under Sections 147, 148, 149, 353, 324, 307, 188 and 186 of the Indian Penal Code.



Dhananjay Kumar, Block Development Officer, Runnisaipur, submitted a written report on the basis of which the present FIR was lodged. The informant alleged that on 14.10.2019 at Mohammadan Chowk some persons came in procession became riotous and attacked the house of Muslim Khan. They damaged the Gumti. When the police personnel tried to prevent the processionists from further damaging the property of the minority community, the mob assaulted the ASI, Jitendra Kumar Singh and Constable Razi Ahmad with spear and sword. The informant named 18 persons and alleged that they were duly identified from the videography of the procession.

Learned counsel for the petitioners submits that a procession of Mahaviri Jhanda was going on. The petitioners were participating in the procession of Mahaviri Jhanda but they did not damage the property of any member of the minority community nor assaulted the police. On the basis of photographs recorded in videography, no specific allegation can be made against the petitioners. Similarly situated five accused persons have been granted anticipatory bail by different Benches of this Court vide Cr. Misc. No.13774 of 2020 and Cr. Misc. No.15852 of 2020. The case of the petitioners stands on the same footing.

Regard being had to the facts and nature of allegations made against the petitioners and the fact that similarly situated



accused persons have already been granted anticipatory bail, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi in connection with Bathnaha P.S. Case No.213 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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

