

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15218 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- CHANDRADIP District- Jamui

1. Munna Yadav, aged about 24 years, Male, Son of Raghunath Yadav, Resident of Village Baladih, P.S. Sikandara, District Jamui (Bihar).
2. Pama Yadav @ Pramanand Kumar @ Parmanand Kumar, aged about 21 years, Male, Son of Raghunath Yadav, Resident of Village Baladih, P.S. Sikandara, District Jamui (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Awadhesh Kumar, Advocate
For the Opposite Party	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-10-2020 Heard Mr. Awadhesh Kumar, learned counsel for the petitioners and Mr. Pramod Kumar Pandey, learned Additional P.P. through video conferencing.

The petitioners apprehend their arrest in Chandradip P.S. Case No.84 of 2019, registered under Sections 147, 148, 149 and 302 of the Indian Penal Code.

Mother of the deceased is the informant of the case. The informant alleged that Chandu Paswan and others called her son to Aliganj Chowk. As soon as her son reached near Siya Cement shop, some person fired in which one person got firearm injury. There was stampede. Many persons indiscriminately assaulted her son and killed him on the spot.



The informant named Chandu Paswan, Manoj Mehta, Hippa Yadav, Amir Yadav, Sonu Yadav and others.

Learned counsel for the petitioners submits that the petitioners are innocent and they have in fact committed no offence. Three cases being Chandradip P.S. Case No.82 of 2019, Chandradip P.S. Case No.83 and 2019 and the present case being Chandradip P.S. Case No.84 of 2019 were registered. Chandradip P.S. Case No.82 of 2019 was registered by the police alleging therein that there was a mob and some persons of the mob brutally assaulted a person killing him on spot. The second FIR being Chandradip P.S. Case No.83 of 2019 was registered on behalf of Bimlesh Kumar as he is alleged to have receive firearm injury in his leg. The firing is alleged to have made by the deceased, Amarjeet Singh. The present case is registered on the basis of *fardbeyan* of mother of the deceased. Learned counsel for the petitioners refers para 14 of the case diary. It is further submitted that in para 17 of the case diary, the entire facts of all the three cases are mentioned. It is alleged that both the petitioners were going on a pick up van. The deceased had parked his motorcycle on the road and for that some altercation took place. When the petitioners tried to take away their vehicle by the side of the motorcycle, the deceased came in



front of the vehicle of the petitioners and fired. The firing hit Bimlesh Kumar. Thereafter many persons assembled there and started assaulting Amarjeet Singh in which Amarjeet Singh died. It is further submitted that during the course of investigation, it has come that Amarjeet Singh died due to assault made by the mob and not by the petitioners. In CCTV camera only Munna Yadav, petitioner no.1 is found chasing the deceased, Amarjeet Singh. There is no allegation against Pama Yadav @ Pramanand Kumar @ Parmanand Kumar, petitioner no.2. Similarly situated Rambilash Yadav has already been granted anticipatory bail vide order dated 18.12.2019, passed in Cr. Misc. No.71214 of 2019.

The learned Additional P.P. however, opposed the prayer for anticipatory bail.

Perused the records. The mother of the deceased is not an eye witness of the occurrence but during the course of investigation it has come in para 17 of the case diary that when the petitioners tried to take away their vehicle by the side of the motorcycle of the deceased, the deceased, who had parked his vehicle allegedly on the road, became infuriated and picked up quarrel with the petitioners. Amarjeet Singh, the deceased is alleged to have taken his motorcycle in front of the vehicle of



the petitioners and fired in which Bimlesh Kumar got firearm injury. Thereafter the mob came and brutally assaulted Amarjeet Singh who died on the spot. It appears that it was the petitioners who had actively participated in the occurrence on account of some dispute with regard to parking of the vehicle. Photo of the CCTV camera also shows that Munna Yadav, petitioner no.1 chased Amarjeet Singh. It is a case of mob lynching and the nature of offence is very serious.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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