

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15388 of 2020**

Arising Out of PS. Case No.-372 Year-2019 Thana- HISUWA District- Nawada

1. OM PRAKASH PANDIT Son of Krishna Pandit, Resident of Village - Bajra Tola Fatehpur, P.S.- Hisua, District - Nawada
2. Sandip Pandit Son of Krishna Pandit, Resident of Village - Bajra Tola Fatehpur, P.S.- Hisua, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.
For the Opposite Party/s : Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

4 19-10-2020 Heard both sides through Video Conferencing.

Petitioners apprehend their arrest in Hisua P.S. Case No.372 of 2019 registered under Sections 147, 148, 323, 341, 307, 149 and 302 of the Indian Penal Code.

The informant alleged that he got information on a mobile that a child lifter was apprehended by the villagers and the villagers were assaulting him. When the informant along with other police officials reached at the place of occurrence, the informant saw more than 100 persons had assembled there and they were brutally assaulting an unknown person, who was semi conscious. Somehow, the informant persuaded the villagers not to assault that man any further. The informant came to know that in the night the said injured person was knocking the door of Krishna Pandit and on such, Krishna Pandit opened the door and raised alarm as Bachcha Chor-Bachcha Chor. On such, Om



Prakash Pandit (petitioner no.1), Sandip Pandit (petitioner no.2), Santosh Pandit, Pappu Pandit, Sarju Prajapati, Kailash Yadav, Suresh Yadav and 20-25 other unknown persons came and indiscriminately assaulted the man, who died during course of treatment.

Learned counsel for the petitioners submits that the petitioners are innocent and they have in fact committed no offence. The petitioners are residing outside the village. They were not even present on the date of occurrence, but it appears that it is a case of mob lynching. It has come that a mentally weak person, who was roaming and begging, came in front of the house of the petitioners and their father suspected him as child lifter and thereafter the petitioners and others are alleged to have indiscriminately assaulted him causing his death during course of treatment.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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