

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21141 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- ABADPUR District- Katihar

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1. MUKEL @ MD. MUKEL Son of Late Latifur Rahman Resident of Village - Dhumtola, P.S.- Abadpur, Distt.- Katihar.
 2. Bhagat @ Samim Son of Late Latifur Rahman Resident of Village - Dhumtola, P.S.- Abadpur, Distt.- Katihar.
 3. Kalwa Son of Late Latifur Rahman Resident of Village - Dhumtola, P.S.- Abadpur, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 19-08-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

In view of the submission and undertaking of the learned counsel for the petitioner, at the time of hearing of this application through video conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 26.06.2020, within four weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

The petitioners apprehend their arrest in connection with Abadpur P.S. Case no. 14 of 2020, registered



under Sections 147, 148, 149, 323, 341, 307, 353, 332, 333, 427, 436 and 120(B) of the Indian Penal Code.

The accusation is that on 08.02.2020, in the evening, the informant and other Police personnel apprehended accused Md. Mohsin in connection with Abadpur P.S. Case No. 102 of 2019 from village-Dhumtola, P.S. Abadpur, District-Katihar and started to proceed with him for police station, but, in the way, Md. Mohsin fell down on the ground showing his unconscious state. At that time, Md. Laden, Md. Samratu, Md. Mohsha Khatoon, Sultara Khatoon, Md. Sallauddin and Md. Kalchu, family members of accused Md. Mohsin, started raising alarm about killing to accused Md. Mohsin. Thereafter, a mob of several people came near the Police Station and damaged Police vehicle, bullet motorcycle, computer apparatus, xerox machine, furniture, papers etc. by putting fire and other means and they also started snatching arms of the Police personnel. Thereafter, the Police constable Chetna Kumari Yadav made firing to disperse the mob then all fled away. At that time, local Chowkidar identified 47 persons, including the petitioners.

Learned counsel for the petitioners submits that while petitioners are named in the F.I.R., as a member of mob



identified by the local Chowkidar, but no specific overt act has been attributed against the petitioners. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 Judicial Magistrate, 1st Class, Katihar in connection with Abadpur P.S. Case No. 14 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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