

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77186 of 2019

Arising Out of PS. Case No.-468 Year-2017 Thana- BHABHUA District- Kaimur (Bhabua)

1. Birbal Mushar @ Vimal Mushar @ Bhimal Mushar, Son of Ram Briksh Mushar, Resident of Village-Nai Basti Tori, P.S.-Bhagwanpur, District-Kaimur (Bhabua).
2. Murahu Mushar, Son of Late Shyam Bihari Musahar, Resident of Village-Nai Basti Tori, P.S.-Bhagwanpur, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 323, 341, 353, 332 and 504 of the Indian Penal Code.

The prosecution case, as per the written report submitted by Dhananjay Kumar Singh, SHO of Bhabua Police Station, is to the effect that on 02.08.2017 one Anmol Pandey while driving rashly and negligently hit Jagjiwan Musahar, who was subsequently taken to the hospital where during the treatment, he succumbed to the injuries. After having receiving such information, when the informant along with other police



officials reached the hospital, the petitioners and other co-accused misbehaved and assaulted the informant.

It is submitted by learned counsel for the petitioners that since the victim, Jagjiwan Mushahar is own brother of petitioner no. 2, who died in the incident, the petitioners and others made protest against the inaction of the police, a false case has been lodged and for the same, the police also lodged another case being Bhagwanpur P.S. Case No. 112 of 2017 with the same accusation under Sections 147, 148, 149, 332, 283, 353 and 504 of the Indian Penal Code and general and omnibus accusation has been made against the petitioners and other co-accused persons.

Learned APP submits that the accusation is specific against the petitioners.

Considering the fact that the accusation is omnibus and general and admittedly brother of petitioner no. 2 died in a road accident, thereafter the present case has been lodged by the informant, hence, prima facie, there is substance in the submission of learned counsel for the petitioners coupled with the statement made in paragraph 3 of the petition that petitioner no. 1 is not having any criminal antecedent and petitioner no. 2 is accused in one other case in which he is on bail, let the above



named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 2nd Class, Kaimur (Bhabua) in connection with Bhabua P.S. Case No. 468 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

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

