

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82580 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- PAHARKATTA District- Kishanganj

ERSHAD Son of late Kosh Mohammad Resident of Village - Rui Tola, P.S.-
Pharkatta, Distt - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Pharkatta P.S. Case No. 30 of 2019, registered for the offence punishable under Sections 147, 148, 149, 341, 353, 323, 379, 511, 504 and 332 of the Indian Penal Code.

The allegation is regarding the villagers having found the dead body of a co-villager and it is stated that the person, who had killed the deceased, was accused Mahmud Alam and he was stated to be taking shelter in the house of ex-mukhia, whereafter a huge crowd had assembled and had also assaulted the police personnel. In the FIR, four persons have been named including the petitioner herein apart from 250-300 unnamed accused persons.

The learned counsel for the petitioner has submitted that



the petitioner has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that a general and omnibus allegation has been levelled against the mob and no specific allegation of any sort of overt act has been levelled against the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that there is no allegation of any sort of overt act as far as the petitioner is concerned, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Kishanganj in connection with Pharkatta P.S. Case No. 30 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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