

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31624 of 2020

Arising Out of PS. Case No.-152 Year-2019 Thana- KATEYA District- Gopalganj

1. Dilip Sah @ Dilip Rauniyar @ Dilip Prasad, aged about 39 years, Male, S/o Gorakh Prasad @ Gorakh Sah Resident of Mohalla-Dhanauti, Ward No.13, P.S.-Kateya, District-Gopalganj.
2. Chanan Bhagat @ Chandan Bhagat, aged about 35 years, Male, S/o Rajendra Bhagat @ Kokil Bhagat Resident of Mohalla-Dhanauti, Ward No.13, P.S.-Kateya, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 05-03-2021 Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Kateya P.S. Case No. 152 of 2019 registered for offences under sections 147, 148, 149, 323, 324, 307, 427, 353, 504 of the Indian Penal Code.

The prosecution case, in short, is that on account of death of the wife of Rajendra Bhar in the road accident, the people of the locality gathered on the road and refused to remove the dead body without arrest of the culprit. On receipt of the information, the police reached at the place of occurrence and started to prepare inquest report of the dead body. In the



meantime, they started fighting with the police personnel and also damaged the government vehicle and, on the instigation of Neyamat Hussain, the people started to abuse the police party. Further allegation has been made that on the instigation of Neyamat Hussain, one man assaulted with Farsa on the Informant but, he saved himself and other people also began to assault the police party. It has been alleged that the local Chaukidar has told the names of the present petitioners to be the members of the mob and others who have assaulted the police party.

Learned counsel for the petitioners submits that there is no allegation of any overt act against the petitioners except that they were the members of the mob gathered on account of death of the wife of Rajendra Bhar in the road accident.

Looking to the entire facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Gopalganj in connection with Kateya



P.S. Case No. 152 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

(Shivaji Pandey, J)

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