

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34641 of 2020

Arising Out of PS. Case No.-176 Year-2019 Thana- SAUR BAZAR District- Saharsa

1. Aalok Yadav, aged about 35 years, Gender-Male, Son of Chandeshwari Yadav.
2. Chootu Yadav @ Ashish, aged about 25 years, Gender-Male, Son of Arun Yadav.
3. Prabhash Yadav, aged about 33 years, Gender-Male, Son of Wakil Yadav.
All are the Resident of Village-Gamhariya, PS Sour Bazar, District-Saharsa, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ankit Kumar, Advocate
For the State	:	Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 29-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ankit Kumar, learned counsel for the petitioners and Mr. Amitesh Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Sour Bazar PS Case No. 176 of 2019 dated 25.04.2019, instituted under Sections 147, 148, 149, 153-A, 153-B, 295-A, 341, 323, 353, 327, 379, 427, 435, 504, 506 of the Indian Penal Code and 3/4 of the Prevention of Damage to Public Property Act, 1984.



4. The allegation against the petitioners is that they, along with 23 other named persons and about 250 unknown persons, had created nuisance and also indulged in rioting and arson and had raised provocative statements and looted shops belonging to another community and also attacked the police.

5. Earlier, on 30.06.2021, the Court had asked learned APP to obtain a report from the Superintendent of Police, Saharsa with regard to the conduct of the petitioners and whether social harmony had been restored in the area.

6. In terms thereof, learned APP submitted that a report has been submitted by the Superintendent of Police, Sahara, dated 17.07.2021, which has also been forwarded to the Court. From the same, it transpires that with the interference of the administration no incident is occurring and there is peace in the area but specifically with regard to the present three petitioners, it has been stated that their image in the society is not good and they are said to be flexing their muscle and at the social level, they are always in the forefront of trying to disturb the peaceful atmosphere in the society and they are absconding and against them steps are being taken for attachment also.

7. Learned counsel for the petitioners submitted that they were just present in the shop and have been falsely



implicated as they had no role in any attempt to disturb the peace and harmony in the society. Being confronted with the report from the Superintendent of Police, Saharsa, learned counsel was not in a position to satisfy the Court with regard to the *bona fide* of the petitioners.

8. Learned APP submitted that the report clearly indicates that the petitioners were in the forefront of attempts to disturb the peace among communities and that the petitioners were very brazen and emboldened in such activity and, thus, they are a threat to the general peace in the society and do not deserve the privilege of anticipatory bail.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

10. Accordingly, the petition stands dismissed.

11. Interim protection granted to the petitioners under order dated 24.05.2021, stands vacated.

(Ahsanuddin Amanullah, J.)

P. Kumar

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