

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86556 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- KUMAR KHAND District- Madhepura

1. MD. SAGIR SON OF MD. KABIR RESIDENT OF VILLAGE -
TIKULIYA, WARD NO.4, P.S. - KUMARKHAND, DISTRICT -
MADHEPURA
2. MD. SABIR SON OF MD. KABIR RESIDENT OF VILLAGE -
TIKULIYA, WARD NO.4, P.S. - KUMARKHAND, DISTRICT -
MADHEPURA
3. MD. ALAMGIR SON OF MD. KABIR RESIDENT OF VILLAGE -
TIKULIYA, WARD NO.4, P.S. - KUMARKHAND, DISTRICT -
MADHEPURA
4. MD. JAHANGIR SON OF MD. KABIR RESIDENT OF VILLAGE -
TIKULIYA, WARD NO.4, P.S. - KUMARKHAND, DISTRICT -
MADHEPURA
5. MD. KABIR SON OF MD. JAKIR RESIDENT OF VILLAGE -
TIKULIYA, WARD NO.4, P.S. - KUMARKHAND, DISTRICT -
MADHEPURA
6. MD. MOUSIM @ MD. MOSHIM SON OF MD. ATABUL RESIDENT OF
VILLAGE - TIKULIYA, WARD NO.4, P.S. - KUMARKHAND, DISTRICT
- MADHEPURA
7. MD. TANWIR SON OF MD. KABIR RESIDENT OF VILLAGE -
TIKULIYA, WARD NO.4, P.S. - KUMARKHAND, DISTRICT -
MADHEPURA
8. MD. MANJAR ALAM SON OF MD. MOUSIM @ MD. MOSHIM
RESIDENT OF VILLAGE - TIKULIYA, WARD NO.4, P.S. -
KUMARKHAND, DISTRICT - MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 31-01-2024 1. Heard learned Counsel for the petitioners and
learned APP for the State.
2. This application, for grant of anticipatory bail,



arises out of Kumarkhand PS case no. 166 of 2023, disclosing offences punishable under Sections 147, 341, 323, 353, 332, 333, 504 of the Indian Penal Code.

3. The prosecution story, as per the First Information Report, is that on 07.05.2023, while the informant- a police officer was on patrolling duty along with the police force, he received information from superior Authority that two groups of people were fighting between them in village-Tikuliya. Thereafter, the informant along with police party reached at the place of occurrence and tried to pacify the matter but the accused persons, named in the F.I.R. along with 20-25 persons started abusing and assaulting the police party, tried to set ablaze the police jeep and also tried to snatch the pistol of the informant. It is also alleged that after arrival of the re-enforcement party, the accused persons fled away but one of them was arrested. The informant received injury and his uniform was also torn.

4. Learned Counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged, they have been made accused on the basis of general and omnibus allegation and no specific overt act has been alleged against the petitioners.



5. I have heard learned counsel for the parties and have perused the impugned order. It appears that learned Additional Sessions Judge-I-cum-Special Judge, Madhepura, while hearing the bail application of the accused persons, granted bail to female members named in the F.I.R. but rejected the bail application of the petitioners on the ground that they assaulted the police party, tried to set ablaze the police jeep and had also tried to snatch the pistol of the informant. Now-a-days, incidents of mob violence against law enforcement agency have become order of the day in this State, which can be very dangerous, often escalating tensions and compromising public safety.

5. Accordingly, I find no reason to differ with the findings of learned Additional Sessions Judge-I-cum-Special Judge, Madhepura and thus, the bail application of the petitioner stands dismissed.

(Anil Kumar Sinha, J)

rinkee/-

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

