

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37327 of 2020

Arising Out of PS. Case No.-267 Year-2019 Thana- PATEPUR District- Vaishali

MD SALEEM S/o Tasalim Miya @ Md. Tasalim Resident of Village-
Mukundpur, P.S.- Patepur, Distt- Vaishali at Hajipur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Anish Chandra, Advocate.
For the State : Mr. Md. Nazir Ansari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 02-07-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 19.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection with Patepur P.S. Case No.267 of 2019 registered under Sections 147, 148, 149, 452, 380, 436, 153, 332, 333, 307, 153, 405, 379/511, 186, 188, 427 and 506 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that on receiving the information



about the murder of a lady in village-Saidpur Dumra, the informant along with other police personnel after making the entry in the case diary proceeded for there. When the informant along with other police personnel reached there, then a dead body of Nutan Kumari, aged about 28 years, was found on a road and the blood was fallen on the road from the head of the dead body. Thereafter, on the basis of the fardbeyan of Chowkidar Baidhyanath Ram, a case was instituted under Sections 302/34/120(B) of the Indian Penal Code and Section 27 of the Arms Act and inquest report of the dead body of Nutan Kumari was prepared but the villagers were in aggressive mood and adamant and the blockade the road. While the villagers were convinced but they did not pay any heed and started to damage the house of the named accused Akhilesh Kumar and also committed loot in his house and put the fire at his households articles. In spite of warning, the mob was indulged in creating nuisance in maintaining the law and order and they started pelting bricks-stones and causing assault to the police party, in which several persons sustained injuries. Firing was also made by the police party in which one Amit Kumar Sustained injury, who was sent for treatment. In the meantime, Senior Police officers and the officers of the administration



reached there and, anyhow, the matter was pacified. At that time, out of the mob of 300-400 persons, 47 persons including the petitioner were identified.

Learned counsel for the petitioner submits that the petitioner has been named in the F.I.R. as a member of the mob without specifying any overt act. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-III, Vaishali at Hajipur, in connection with Patepur P.S. Case No.267 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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