

In the Court of Sessions Judge, Purnea

Ref: A.B.P. No. 476 of 2020

CIS No. 476 of 2020

Surendra Sah @ Mahadeo & 03 others Vrs. State

20.08.2020

Anticipatory bail petition dated 30.06.2020, filed on behalf of the petitioners namely (1) Surendra Sah @ Mahadeo, (2) Sanjay Sharma, (3) Kalu Mandal and (4) Sujeet Kumar who are apprehending their arrest in connection with K.Hat (Maranga) P.S. Case No. 881 of 2019 registered for the offence u/ss. 147, 148, 149, 341, 323, 353, 332, 427 and 504 of the IPC is put up for hearing through video conferencing.

2. Heard the learned counsel Sri Jayant Kumar Mishra on behalf of the petitioners and Sri Maharana Pratap Singh, learned P.P. I/c on behalf of the State.

3. The case of prosecution, in brief, is that on 30.11.2019 at about 17:00 P.M., the informant Vijay Prasad, P.S.I. cum In-charge S.H.O., K.Hat (Maranga) P.S., District Purnea received an information that some people are creating nuisance by keeping the dead body of Kailash Sharma alias Kailu Sharma(Chaupal) on the middle of the road of NH-31 near Harda Market. The informant after entering the said information went to the place of occurrence with other police personnels at about 17:30 P.M. and saw that near about 100-150 persons were creating nuisance by keeping a dead body on NH-31. When the informant and others were trying to convince them then some of them tried to put Government vehicles on fire and in the meantime, some of them loosen the air of wheels of Government vehicles. After much effort, the dead body was examined and verified but nuisance was still continuing by the mob in which Surendra Sah alias Mahadeo, Manoj Sharma, Lal Sharma, Dipak Sharma, Sanjay Sharma, Buddhu Sharma, Kalu Mandal, Mantu Sharma and Sujit Kumar and unknown 140 persons took active participation. The road of NH-31 was blocked due to their disturbance. On asking about the death of deceased Kailash Sharma alias Kailu Sharma(Chaupal)the mob again tried to create nuisance in the hospital and after pacifying them, dead body was identified and after preparing inquest report the dead body was sent to Sadar Hospital, Purnea for post mortem.

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4. The learned counsel for the petitioners has submitted that the petitioners are innocent and they have falsely implicated in this case. Further it is submitted that the petitioners have no concern with the alleged occurrence and also with the family of deceased. He also submitted that almost 100-150 people were gathered at the place of occurrence, so how the informant identified the FIR named persons. The petitioners bear clean antecedent. So, prayed for anticipatory bail.

5. On the other hand, the learned P.P. I/c opposed the prayer of anticipatory bail of the petitioners.

6. Perused the case record as well as case diary. From perusal of FIR it appears that the petitioners are FIR named accused persons. All sections are bailable except sections 353 and 332 of the IPC. FIR has been lodged against the petitioners with others 140 unknown persons. In the available case diary there is no witness either independent or at the place of occurrence which were available in the boundary of place of occurrence. There is no any video footage or any material evidence of the occurrence produced or mentioned by the I.O. in the available case diary against these petitioners.

7. After considering the facts and submission made above and nature of allegation against this petitioners, the prayer of anticipatory bail of the petitioners is allowed. In the event of their arrest or surrender in the court within four weeks from the date of receipt of this order, petitioners shall be enlarged on bail on furnishing bail bond of Rs.10,000/- with two sureties of like amount each to the satisfaction of the learned Court below, subject to condition as laid down u/s. 438(2) Cr.P.C.

(Dictated)

sd/-

Sessions Judge, Purnea.