

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38883 of 2014

Arising Out of PS.Case No. -121 Year- 2013 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Rajesh Kumar @ Rajesh Rai S/o Ram Narain Rai Resident of Village Kalyanpur, P.S. Bibhutipur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Mustaque Alam(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 01-04-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner apprehends his arrest in connection with Bibhutipur P.S. Case No. 121 of 2013 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 353 and 427 of the Indian Penal Code.

Allegedly, the petitioner and other FIR named accused persons along with 40-50 unknown damaged the Police Jeep of Angarghat Police Station and also made attempt to commit murder of driver of Ambulance and obstructed the officials in discharging their official duties.

Submission is of false implication and that there is general and omnibus allegation. All sections are bailable except

Section 353 of the Indian Penal Code which are not attracted against the petitioner. The petitioner is a teacher and on the alleged date and time of occurrence he was at his school having no concern with the victims who died in the accident, therefore, there is no question of participation of the petitioner in the alleged mob but due to annoyance his name has been dragged in this case, and as such, he deserves sympathetic consideration to which the learned APP opposes.

Considering that there is no specific allegation against the petitioner, the petitioner above named, in case of his surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 121 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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