

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37220 of 2015

Arising Out of PS.Case No. -112 Year- 2015 Thana -MUFFASIL District- AURANGABAD

1. Mritunjay Pandey @ Mritunjay, Son of Vijay Kumar Pandey, R/O village- Srikrishna Nagar, Ahari, P/s- Town, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. B.M.P.Sinha(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-09-2015

Heard learned counsels for the petitioner and the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 447, 341, 323, 386, 387, 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that five accused persons entered into the cement factory. On protest being made by the security supervisor Amrendra Kumar Singh, co-accused Sani Kumar, Rahul Kumar along with others made assault as the accused persons were protesting for not giving contract of canteen in the premises of cement factory. It is also alleged that co-accused Rahul Kumar resorted to fire. The accusation against the petitioner and others is that they also threatened the employees of the cement factory for not providing

employment.

It is submitted by learned counsel for the petitioner that for the same incidence other F.I.R was lodged by one Manoj Kumar, canteen owner of the said factory being Aurangabad(M) P.S. Case No. 111 of 2015, wherein it was specifically alleged that co-accused Sani Kumar and Rahul Kumar came, destroyed the articles, made assault, took away Rs. 70,000/- and gold chain worth Rs. 35,000/-. Though the petitioner was also named in the other F.I.R but the accusation in both the cases is specific against co-accused Sani Kumar and Rahul Kumar and apart from two other cases registered for the same incidence, petitioner is not accused in any other case.

Considering the fact that accusation is not specific against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Muffasil P.S. Case No. 112 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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