

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.46943 of 2015**

Arising Out of PS.Case No. -215 Year- 2015 Thana -KESARIA District-  
EASTCHAMPARAN(MOTIHARI)

Dilip Kumar son of Ram Pukar Kushwaha, resident of Village Mathia P.S.  
Kesaria, District East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s :

For the Opposite Party/s :

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL ORDER**

2      16-10-2015      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Learned counsel for the petitioner is permitted to  
make correction in paragraph-3 of the application. Let the same be  
done during the course of the day.

The petitioner apprehends arrest in Kesaria P.S. Case  
No. 215 of 2015 dated 01.08.2015 instituted under Sections  
364/365/120B/34 of the Indian Penal Code.

The allegation against the petitioner and seven others  
is of abducting the son of the informant.



Learned counsel for the petitioner submits that the parties are co-villagers and a day prior to lodging of the present case i.e., 30.07.2015, the son of the informant who is alleged to have been assaulted the father of one Hemant Kumar due to which he sustained injury and fell down and later on also died. It is submitted that to create an alibi for her son, the informant has also lodged another case being Kesaria P.S. Case No. 214 of 2015 dated 01.08.2015 alleging that her son was assaulted by the petitioner and 26 other persons. It is further submitted that immediately thereafter the present case was lodged by way of further precaution alleging that her son was accused in Kesaria P.S. Case No. 212 of 2015 dated 30.07.2015 had been added. Learned counsel submits that in the present FIR it is stated that on 31.07.2015 at 8:00 p.m. a co-villager had informed that the petitioner and others had abducted the son of the informant after he had run away out of fear but in the case lodged prior to the present case, that is, Kesaria P.S. Case No. 214 of 2015 the same fact has not been mentioned. It is further submitted that clearly the present case is by way of a counter blast for enabling the son of the informant being punished for assaulting the father of Hemant Kumar leading to his death. Learned counsel submits that except for two cases filed by the present informant, one after the other on

the same day, the petitioner does not have any other criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in Kesaria P.S. Case No. 215 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

**(Ahsanuddin Amanullah, J)**

Anjani/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|