

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34228 of 2014

Arising Out of PS.Case No. -766 Year- 2010 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Shashi Bhushan Thakur Son of Late Harishchandra Thakur R/o Village
Basuari, P.S. Chakmehsi, District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Narayan Mishra, Advocate.

For the Opposite Party/s : Mr. Kanhaiya Kishor (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-02-2015 Heard both sides.

The petitioner apprehends his arrest in C.R. No. 766 of 2010, corresponding to T.R. No. 1301 of 2014, registered for the offences punishable under Section 392 of the Indian Penal Code.

The complainant alleged that the petitioner assaulted him and snatched money from his possession on the point of pistol.

Learned counsel for the petitioner submits that the true facts are that the petitioner was brutally assaulted by the informant and his family members. The petitioner was hospitalized in S.K.M.C.H. and when the petitioner regain his consciousness he made his statement on 18.05.2010 on the basis of which Chakmehsi P.S. Case No. 45 of 2010 was registered under Section

326 and other Sections of the Indian Penal Code. In the present case only family members of the complainant are the witnesses. They were the witnesses of a case of robbery.

It appears that the complainant lodged this complaint case making allegation of robbery, but the witnesses are his family members. The petitioner lodged a case in hospital with regard to the same occurrence dated 13.05.2010.

Considering the facts aforesaid the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Rakesh Kumar No. 3, the learned Judicial Magistrate, Samastipur in connection with C.R. No. 766 of 2010, corresponding to T.R. No. 1301 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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