

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32261 of 2015

Arising Out of PS.Case No. -415 Year- 2013 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Shashi Bhushan Kumar S/o Late nathuni Raut Resident of Village Sakri
Faridpur, Police Station Sakra, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. U.L.Verma(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 07-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 323,504,379 and
307/34 of the Indian Penal Code.

The prosecution case is that in the general meeting of
the Central Cooperative Bank co accused Jitendra Kumar being
MLA-cum-Chairman of the bank ordered his body guard to kill
the informant when the body guard pointed his pistol on the
informant, co accused Jitendra Kumar caught collar of the
informant and this petitioner caught hold of his hand and dragged
him in a room when co accused Jitendra Kumar attempted to
strangulate the informant by pressing his neck as a result the
informant bled from his mouth. Subsequently,

co accused Jitendra Kumar assaulted with shoes and took away gold chain of the informant whereas this petitioner snatched five thousand rupees from his pocket.

It is submitted by the learned counsel for the petitioner that after investigation the police submitted charge sheet only against co accused Mithilesh Kumar but the petitioner was not sent up for trial and final form was accepted. Subsequently, vide order dated 29.5.2014 the learned CJM took cognizance only against co accused Mithilesh Kumar but pursuant to the revisional order fresh cognizance order was passed on 16.2.2015 taking cognizance under sections 341,323,504,307 and 379/34 IPC against the petitioner and others also. The injury report suggests only abrasion and bruise on the back which does not corroborate the accusation levelled against the accused persons. It is further submitted that revision application was disposed of without notice to the petitioner.

It is submitted by learned counsel for the informant that there is specific accusation against the petitioner as he dragged the informant to his room.

Considering the fact that the accusation is not being corroborated by the medical opinion and Bihar Sharif P.S. Case No. 414 of 2013 was lodged from the petitioner side at earlier point of time and initially the petitioner was not sent up for trial, let the

above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No.415 of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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