

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57100 of 2015

Arising Out of PS.Case No. -784 Year- 2015 Thana -BIHTA District- PATNA

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Sumant Kumar @ Bhim Kumar, son of Shri Satish Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 342, 323 and 307/34 of the Indian Penal Code.

It is alleged that the petitioner and co-accused Rakesh Kumar and two others surrounded the informant and assaulted with iron rod.

It is submitted by learned counsel for the petitioner that there is no injury report on record. A statement to that effect has been made in paragraph 11 to the petition, which reads as :-

"11. That it is humbly submitted here that there is allegation in the FIR that informant has received injury on his head but there is no injury report on the record as yet, in fact false allegation has been alleged only to make a case of grievous

offence."

It is further submitted that moreover no motive has been alleged in the FIR. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Danapur, Patna in connection with Bihta P.S. Case No.784/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on verification of the fact that informant has not received any grievous injury, but if it is found that the informant has received grievous injury, then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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