

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39505 of 2015

Arising out of PS.Case No. -53 Year- 2015 Thana -CHATOUNI District- EAST  
CHAMPARAN(MOTIHARI)

Prakash Kumar @ Prakash Sharma, son of Radheshyam Sharma, resident of  
Village - Chhatauni Badhai Tola, P.S. - Chhatauni, District - East  
Champaran.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Pankaj Kumar, Advocate.

For the Opposite Party : Mr. Chandra Bhushan Prasad (App)

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
ORAL ORDER

4 30-09-2015 Heard learned counsel for the petitioner and learned  
counsel for the State

The petitioner is apprehending his arrest in connection  
with Chhatauni P.S. Case No. 53 of 2015 for the offences  
instituted under Sections 147, 148, 149, 323, 324, 307, 379, 448  
and 427 of the IPC. Later on, Section 302 I.P.C. was also added.

The prosecution story, in brief, is that, in brief, is that on  
12.03.2015 at about 8.00 A.M. when the informant was standing at  
his home, all the accused persons named in the F.I.R. alongwith  
20-25 unknown miscreants, holding weapons in their hands came  
there and started committing loot-pat in the home of the informant.  
When the informant, his son Sanjay Das and Ranjan Das made

protest, then accused persons caused hurt to the informant and his sons by Bhala and Garasa. The accused persons had taken away goods of informant's home and threw hut of the informant after uprooting the same. During the course of treatment, the informant died in Rahmaniya Medical Centre, Bariyarpur, Motihari.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is not named in the FIR. The name of the petitioner has come in course of investigation. The petitioner has been made accused in the present case due to mistake of fact. No specific allegation has been attributed against the petitioner. Other co-accused has been granted anticipatory bail by this Court vide Cr. Misc. No. 20545/2015.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Chhatauni P.S. Case No. 53/2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari,

subject to the conditions as laid down under Section 438(2) of the  
Code of Criminal Procedure.

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**(Sudhir Singh, J)**

