

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38405 of 2015

Arising Out of PS.Case No. -226 Year- 2015 Thana -KANTI District- MUZAFFARPUR

1. Raj Kumar @ Raj Kumar Bhagat S/o Nagendra Bhagat@Rajmangal Bhagat Resident of Village Harchanda, P.s Kanti(O.P. Panapur Kariyat) District Muzaffapur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Ram Chandra Sahni (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-09-2015 Heard learned counsel for the petitioner Mr. Sanjay Kumar and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kanti P. S. Case No. 226/2015 registered for offences punishable under Sections 147, 148, 149, 341, 323, 307, 353 and 504 of the Indian Penal Code.

The prosecution case is that the informant namely, Baliram Sharma, a police Constable, Kanti P.S. has alleged in the written application that on 20.05.2015 at 23.05 hours, while he was on patrolling duty along with other police personnel, and, when reached Harchanda Chowk, saw 5-7 local persons, who were pulling down tempo driver and passengers and they were

beating them and started eave- teasing with women passengers. Informant and other police officials intervened and tried to save them on which the petitioner and others attacked upon police party causing injury and disturbed them in official duty.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has committed no offence and the story as made out by the informant, is fabricated and the alleged injury caused on the person of the informant, are simple in nature.

It has been further submitted that two of the similarly situated co-accused persons, namely, Rajeev Kumar and Manish Kumar have since been granted privilege of anticipatory bail in connection with Cr. Misc. No. 32740 of 2015 dated 18.08.2015. I do not propose to take a different view as the allegation has made out in the F.I.R., is same and similar.

Under such circumstances, in case of arrest or surrender within a period of four weeks from today before the Court below, the above named petitioner, namely Raj Kumar @ Raj Kumar Bhagat, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West), Muzaffarpur in connection with Kanti (Panapur O.P.) P.S. Case

No. 226 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

However, since the petitioner is an accused in a case of similar nature, if in future the petitioner is found to be indulging in offence of similar nature, the learned Court below will take steps including the cancellation of anticipatory bail without being prejudiced by this order.

(Nilu Agrawal, J)

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