

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38719 of 2015

Arising Out of PS.Case No. -280 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Mithu Kumar @ Matho S/o Deepak Kumar, Resident of Mohalla- Garhpar
(Near Pakar Tree), P.S.- Bihar, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1

For the Opposite Party/s : Mr. J.N. Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 28-09-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 147,
149, 379, 384, 307, 427, 504 and 506 of the Indian Penal Code.

It is alleged that the accused persons
including the petitioner came variously armed and on the order
of this petitioner made assault to the informant for non-
fulfillment of extortion demand of Rs.10,000/-. It is specifically
alleged that this petitioner assaulted with cricket wicket on the
head of the informant but the injury was caused on the head of
Sanoj Sharma. Co-accused Rakesh Kumar assaulted Rohit
Kumar with the butt of the pistol. The petitioner took away
Laptob, co-accused Rakesh Kumar took away Rs.35,000/- from

the shop of the informant and all the accused persons damaged computer and other articles worth rupees one lakh kept in the shop.

It is submitted by learned counsel for the petitioner that even assuming the accusation no offence under Section 307 IPC is made out as the petitioner intended to assault the informant but the injury was caused to one Sanoj Sharma. Injury has been found to be simple in nature and a statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

The aforesaid facts constitute ground for consideration of prayer for regular bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Bihar P.S. Case No. 280 of 2015 pending in the court of learned Chief Judicial Magistrate, Nalanda.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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