

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24484 of 2015

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

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1. Jitendra Kumar son of late Ayodhya Prasad, resident of Mohalla- MALi Khandak, Amber, Bihar shrif, P.s. Bihar, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad

For the Opposite Party/s : Mr. Sanjay Kumar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341,323,504,379 and 307/34 of the Indian Penal Code.

It is alleged that in the general meeting of the Central Cooperative Bank co accused Shashi Bhushan Kumar caught hold of the hand of the informant and dragged him when the petitioner made attempt to strangle by pressing the neck as a result the informant bled from the mouth. Co accused Shashi Bhushan snatched the wrist watch while co accused Mithilesh Kumar took out rupees five thousand from the pocket of the informant.

It is submitted by the learned counsel for the petitioner that after investigation the police submitted charge sheet only

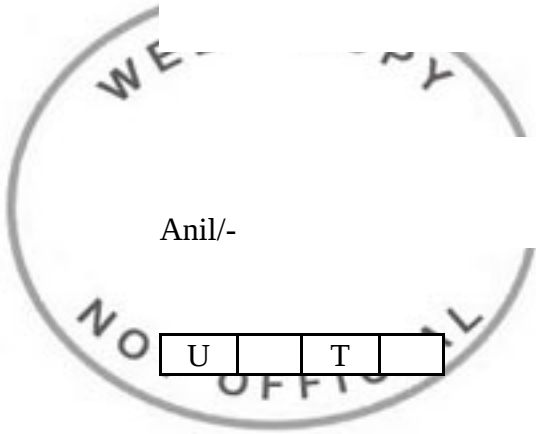


against co accused Mithilesh Kumar under sections 341,323 and 304/34 IPC but the petitioner was not sent up for trial and final form was accepted and subsequently vide order dated 29.5.2014 the learned CJM took cognizance only against Mithilesh Kumar. Subsequently in pursuance to the revisional order fresh cognizance order was passed on 16.2.2015 taking cognizance under sections 341,323,504,307 and 379/34 IPC against the petitioner also. The injury report suggests only abrasion and bruise on the back which does not corroborate the accusation levelled against the petitioner. More over, 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 that he tried to throttle the informant.

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, 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.



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(Dinesh Kumar Singh, J)