

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4543 of 2016

Arising Out of PS.Case No. -40 Year- 2014 Thana -ANGARGHAT District- SAMASTIPUR

1. Sumit Rai son of Shankar Rai resident of Village- Chaitaa Tola, Dakshini Lilzi, P.S.- Angarghat, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj

For the Opposite Party/s : Mr. A.K.Choudhary(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-04-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Angarghat P.S.Case No. 40 of 2014 registered for offences punishable under Sections 147, 148, 149, 302, 323, 324, 307 and 341 of the Indian Penal Code.

The prosecution case in brief is that the petitioner, besides others, is named in the F.I.R. vide Annexure-1 as an accused, but taking into consideration the fact that there appears to be a case and counter case from both sides vide Annexures-1 and 2 respectively and also taking into consideration the fact that the specific allegation of assault by sharp cutting weapon is only against co-accused Shankar Rai and not against the petitioner and

the allegation against him appears to be general and omnibus in nature and further taking into consideration the fact that he is said to be the first offender, as submitted by the learned counsel for the petitioner, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

It has been submitted by the learned counsel for the petitioner that he has no criminal history and the allegation against him is general and omnibus.

It has further been submitted that there is previous civil dispute between the informant's side and the petitioner's side for which one of the accused Shankar Rai has lodged Angarghat P. S. Case No. 51/2014 against the informant's side.

It has further been submitted that one of the co-accused has since been granted the privilege of anticipatory bail in Cr. Misc. No. 13396 of 2016 on 05.04.2016.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and opposes the prayer for bail.

Be that as it may, since the similarly situated other co-accused has been granted the privilege of anticipatory bail on same and similar allegation, let the above named petitioner in the event of his arrest or surrender before the Court below within a

period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Dalsingsarai in Samastipur in connection with Angarghat P.S.Case No. 40/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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