

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17823 of 2016

Arising Out of PS.Case No. -5 Year- 2015 Thana -CHEWRA District- SEKHPURA

Mithun Kebat Son of Pradeep Kebat, Resident of village- Chewara,
Beldariya, P.S.- Chewara, District- Sheikhpura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Jitendra Kr. Singh No.1(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner apprehends arrest in connection with
Chewara P.S. Case No. 05/15 for offences alleged under Sections
147, 148, 149, 448, 427, 337, 338, 332, 333, 353, 323, 326, 325,
307, 120-B of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that while he was returning to police station near Chewara
Chowk he saw nine F.I.R. named persons including the petitioner
and 5-7 unknown collecting rangdari. On seeing the police they
fled away. The informant lodged Chewara P.S. Case No. 04/15.
On the same day at 14.30 hours 37 named persons including the
petitioner and 100 unknown having armed with *lathi*, *danda*, rod

came and attacked the police station, damaged the police jeep as well as chair, tables and documents kept there. They also started throwing stones and one Suresh Kewat assaulted the informant with sharp weapon over the head of the informant causing head injury and thereafter all the accused persons assaulted him with *lathi, danda* and rod.

It has been submitted by the learned counsel for the petitioner that although he is named in the First Information Report but his name has surfaced because being a relative of named accused in the earlier case i.e. Chewara P.S. Case No. 04/15, the petitioner has falsely been implicated. It has further been submitted that the petitioner has no criminal antecedent and the allegations upon him are general and omnibus. He further submits that the co-accused having similar allegation have been granted the privilege of anticipatory bail in Cr. Misc. No. 6628 of 2016 on 12.02.2016 and Cr. Misc. No. 12828 of 2016 on 30.03.2016 by a Coordinate Bench of this Court.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the other co-accused, on similar allegation, have already been granted the privilege of bail,

let petitioner, above named, 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 bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sheikhpura, in connection with Chewara P.S. Case No. 05/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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