

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27129 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -MITHANPURA District- MUZAFFARPUR

- =====
1. Aman Kumar Son of Anil Kumar
 2. Ranjan Kumar Son of Raghunath Patel
 3. Kundan Kumar Son of Dilip Patel
- All residents of Mohalla - Rambag Mai Asthan Lane, P.S. - Mithampura,
District - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Sri Jitendra Kumar Roy 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 04-07-2016

Learned counsel for the petitioners is

permitted to make necessary correction in paragraph 5 of the
petition.

The petitioners are apprehending their
arrest in a case registered for the offences punishable under
Sections 147, 148, 149, 341, 323, 427, 337, 379, 504 and 506 of
the Indian Penal Code.

The prosecution case is that on 09.01.2016
at 9.30 A.M. while the informant was taking class in the
coaching institute when the FIR named accused persons
including the petitioners entered into coaching institute,

damaged the furniture and other articles and petitioner no. 1 Aman Kumar and petitioner no. 3 Kundan Kumar took away rupees seventy five hundred kept in the office and two thousand rupees from the pocket of the informant.

It is submitted by learned counsel for the petitioners that the cousin of the petitioners namely, Durga Kumari @ Nandani Kumari lodged Mithanpura P.S. Case No. 13 of 2016 against Rinku Bhaiya related to the present informant, hence, as a retaliatory measure the present case has been lodged. The accusation of assault and damaging the articles is omnibus and general. Only accusation against petitioner nos. 1 and 3 is specific under Section 379 IPC. For the occurrence of 09.01.2016 at 9.30 A.M. the FIR was lodged on 10.01.2016 at 8.00 P.M. but the FIR reached to the court on 15.01.2016 which suggests that the FIR has been registered by antedating. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like

amount each to the satisfaction of learned Sub-divisional Judicial Magistrate (East), Muzaffarpur in connection with Mithanpura P.S. Case No. 17 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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