

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48791 of 2016

Arising Out of PS.Case No. -36 Year- 2016 Thana -LAKHISARAI District- LAKHISARAI

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Deepak Kumar Son of Sri Phoolena Singh, Resident of Village- Nadiyama,
P.S.- Ramgarh Chowk, District- Lakhisarai. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 06-12-2016 Heard Sri Y.C. verma, learned Senior Counsel, who

was assisted by Sri Rajesh Ranjan Kumar, learned counsel for the

petitioner and Smt. Nirmala Kumari, learned Addl. Public

Prosecutor.

The sole petitioner, apprehending his arrest in
Lakhisarai (Ramgarh Chowk) P.S. Case No.36 of 2016 registered
for the offence under Sections 341, 323, 504, 307, 406 and 34 of
the Indian Penal Code and Section 27 of the Arms Act, has prayed
for grant of anticipatory.

It was submitted by learned counsel for the
petitioner that there was case and counter case in between the
parties. By way of referring to Annexure-2 to the supplementary
affidavit, it has been argued that father of the petitioner in injured
condition has given fardbeyan and on that basis, an F.I.R. was
lodged vide Ramgarh Chowk(Lakhisarai) P.S. Case No.42 of



2016 registered for the offence under Sections 341, 323, 504, 448, 384, 34 of the Indian Penal Code against brother of the informant of the present case as well as others. He placed reliance on order dated 22.11.2016 passed in Cr.Misc.No.50039 of 2016, whereby co-accused, namely, Sanjeet Kumar having serious accusation than the petitioner has been extended the privilege of anticipatory bail. It has been argued that even in the F.I.R., there is no specific accusation against the petitioner, whereas the allegation against co-accused Sanjeet Kumar is that he had fired in the occurrence.

Considering the facts and circumstances, particularly the fact that co-accused having serious accusation has been granted anticipatory bail, there is no reason to deny the same privilege to the petitioner. Accordingly, let the petitioner, namely, Deepak Kumar, in the event of his arrest or surrender within six 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Ramgarh Chowk) P.S. Case No.36 of 2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

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(Rakesh Kumar, J)