

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40069 of 2016

Arising Out of PS.Case No. -120 Year- 2014 Thana -JAMHORA District- AURANGABAD

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Shashi Kant Singh Son of Mohan Prasad Singh Resident of Mohalla - New
Area, Aurangabad, P.S. + District - Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-10-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Jamhore P.S. Case No. 120 of 2014 registered for the offence

punishable under Section 307 and other allied sections of the

Indian Penal Code.

The prosecution case is that on 23.10.2014 at

about 08:30 P.M. while the informant was going to Aurangabad

from Daudnagar and reached near Bharthauli bridge, all the FIR

named accused persons, including the petitioner and 10-12

unknown accused persons, who were present there from before,

pounced upon him and started to assault with lathi, danda and iron

rod causing head injury as also other injuries.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case because of personal enmity between the parties for which petitioner had lodged a case against the informant, bearing Town P.S. Case No. 331 of 2013 prior to the present First Information Report, in which petitioner had sustained grievous injuries. It has further been submitted that on the relevant date, petitioner was at Hisar in Haryana working in Private Limited Company, namely, Splash Fun Park. It has further been submitted that all other co-accused have since been granted the privilege of bail by the learned Court below itself, as injuries, although caused on the scalp, have been found to be inflicted by hard and blunt substance and are simple in nature. He submits that the allegation is general and omnibus and the injuries which has been found grievous, is on the non-vital party of the body, hence, Section 307 of the Indian Penal Code is not made out against this petitioner. He submits that petitioner has no criminal history, as is evident from paragraph 3 of this application.

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

Be that as it may, since the allegation against the

petitioner is general and omnibus and all other co-accused have been granted the privilege of anticipatory bail by the learned Court below itself and that the petitioner has no criminal antecedent, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Jamhore P.S. Case No. 120 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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