

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4582 of 2016

Arising Out of PS.Case No. -211 Year- 2015 Thana -BARBIGHA District- SEKHPURA

Rupesh Kumar, Son of Sanjay Singh, Resident of Mohalla- Sakaldeo Nagar,
P.S. Barbigha, District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Smt. Asha Devi(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 03-02-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 448,
323, 504, 506, 380 and 307/34 of the Indian Penal Code.

The prosecution case is that petitioner and
two others assaulted the informant with the butt of the pistol
when it is alleged that co-accused Dhiraj Kumar took away fifty
thousand rupees. When the friend of the informant, Suraj
Kumar, came to rescue he was also assaulted. It is further
alleged that co-accused Shubhajeet Kumar snatched gold chain
from the neck of the informant.

It is submitted by learned counsel for the

petitioner that the accusation of assault is omnibus and general against all the accused persons. Though, the informant claimed that he was referred to PMCH. The injury report of PMCH is not on the record, statement to that effect has been made in paragraph 12 of the petition. After going through the case diary a co-ordinate Bench of this Court granted anticipatory bail to co-accused Dhiraj Kumar vide Cr. Misc. No. 47606 of 2015.

A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail provisionally for three months, 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Barbigha P.S. Case No. 211 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned court below will examine the records and if it is found that the informant has not received any grievous injury then the provisional bail of the petitioner will be

confirmed by the learned court below, but if it is found that the informant has received grievous injury then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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