

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27114 of 2016

Arising Out of PS.Case No. -231 Year- 2015 Thana -AMARPUR District- BANKA

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Pankaj Kumar @ Pankaj Kumar Kapri Son of Lakhan Lal Kapri Resident of
Village - Salempur, P.S. Amarpur, District - Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv
Mr. Ranjan Kumar Jha, Adv

For the Opposite Party/s : Mr. Sri Durgesh Nandan, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 04-07-2016

Learned counsel for the petitioner is

permitted to make necessary correction in paragraph 22 of the
petition.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 147,
148, 149, 323, 324, 307, 504, 506 of the Indian Penal Code, 27
of the Arms Act and 3/4 of Explosive Substances Act.

The prosecution case is that on 22.07.2015
at 5.00 P.M. that all eight FIR named accused persons including
the petitioner came variously armed, entered into the old house
of the informant and started abusing the informant. It is alleged
that co-accused Binay Kapri assaulted the informant with iron

rod on his leg when he fell down then petitioner Pankaj Kapri, co-accused Vivek Kapri and Vikram Kapri indiscriminately assaulted the informant with lathi when one Brahmadeo Kapri came to rescue co-accused Ajay Kapri fired which did not hit him and co-accused Umesh Kapri exploded explosive and thereafter petitioner Pankaj Kapri assaulted on his head by means of Khanti.

It is submitted by learned counsel for the petitioner that accusation of assaulting the informant is omnibus and general against all the eight accused persons including the petitioner, co-accused Vivek Kapri and Vikram Kapri. The informant has received four injuries out of which three injuries have been found to be grievous. Though, the injury report of Brahmadeo Kapri is not on the record. The petitioner is a student and on conclusion of the investigation the petitioner was not sent up for trial but differing with the final form cognizance has been taken under Sections 147, 148, 149, 323, 324, 307, 504 and 506 of the Indian Penal Code and 27 of the Arms Act. Statement to that effect has been made in paragraph 22 of the petition, which reads as follows:-

“That but differing with the Final Form the Learned Magistrate has taken cognizance against this petitioner also on 28.04.2016 under Sections 147, 148, 149,

323, 324, 307, 504, 506 of I.P.C. read with 27 of Arms Act.”

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

Considering the fact that the accusation of assaulting the informant is omnibus and general, injury report of other injured Brahmadeo Kapri is not on the record and on conclusion of the investigation the petitioner was not sent up for trial, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 231 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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