

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39816 of 2016

Arising Out of PS.Case No. -135 Year- 2016 Thana -MANSI District- KHAGARIA

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1. Chandan Kumar Singh @ Chandan Kumar S/O- Sri Balmiki Singh
Resident of Village- Pipra Maranch, P.S.- Chautham, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 19-09-2016 Heard both sides.

The petitioner apprehends his arrest in Mansi P.S.
case No. 135 of 2016 under Section 279, 323, 353, 504/34 of the
Indian Penal Code.

The informant, a Chowkidar, alleged that he along
with another Chowkidar, Kailash Paswan, was on duty on
National Highway. One Scorpio vehicle bearing registration No.
BR34K-0001 was being driven rashly and negligently. The
Scorpio dashed a truck from behind. The Scorpio was stopped and
the informant informed the police officer but the petitioner along
with driver of the vehicle came, assaulted the informant, and fled
away with the vehicle.

The learned counsel for the petitioner submits that

Chowkidar is not a Government servant and, therefore, no offence under Section 353 of the IPC is made out.

It appears that the vehicle was being driven rashly and negligently, which dashed a truck, and when the vehicle was stopped the petitioner and the driver of the vehicle assaulted the Chowkidar, who was on duty on National Highway.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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