

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12828 of 2016

Arising Out of PS.Case No. -5 Year- 2015 Thana -CHEWRA District- SEKHPURA

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Ram Dular Kebat, Son of Deo Nandan Kebat Resident of Village- Chewara,
Beldariya, P.S.- Chewara, District- Sheikhpora.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Advocate.

For the Opposite Party : Mr. G.S. Gupta (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-03-2016 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 448, 427, 337, 338, 332, 333, 353, 323, 326, 325, 307 and 120(B) of the Indian Penal Code.

The prosecution case is that the informant being a police officer noticed that the miscreants were extorting money from the drivers. Thereafter, the informant came to police station got recorded his own statement and registered Chewara P.S. Case No. 04 of 2015, dated 02.04.2015 under Sections 147, 148, 149, 384, 385, 386, 387, 504 and 506 of the Indian Penal Code against nine accused persons and 5-7 unknown. Subsequently, the accused persons of the present FIR entered into the premises of the police station damaged the government vehicle, furniture, documents and

Suresh Kewat assaulted with sharp cutting weapon the head of the informant causing injury.

It is submitted by the learned counsel for the petitioner that the petitioner is neither named in the FIR in earlier case being Chewara P.S. Case No. 04 of 2015 and has not been made accused till date, statement to that effect has made in para-8 which reads as follows:

“8. That prior to lodging of the present case on Chewara P.S. Case No. 04 of 2015 was lodged on the same day by the same informant in which the petitioner has not been made an accused. Only being relative of accused of Chewara P.S. Case No. 04 of 2015 these petitioner has been implicated in this case only on the basis of suspicion.”

The petitioner has been made accused in the present case since he happens to be relative of the named accused of Chewara P.S. Case No. 04 of 2015. A statement has been made in paragraph-3 of the petition that the petitioner has got no criminal antecedent. Accusation is omnibus and general against the mob including the petitioner.

Considering the aforesaid facts, 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 the Learned Sub-Divisional Judicial Magistrate, Sheikhpura in connection with Chewara P.S. Case No. 05 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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