

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19933 of 2016

Arising Out of PS.Case No. -282 Year- 2014 Thana -KUDHNI District- MUZAFFARPUR

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1. Vikash Kumar S/o Vijay Choudhary R/o Chhajan Uttarbari Tola, P.S.
Kurhani (Turki), District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Rakesh

For the Opposite Party/s : Mr. Anil Kumar Singh 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 302/34 of the Indian Penal Code.

The prosecution case is that brother of informant, Jaylal Sahani, a physically challenged person, went to bring some articles from a shop on 02.08.2014 where for the reason of change of money co-accused Chunnu Choudhary along with ten others, including the petitioner, in a conspiracy killed the brother of informant by assaulting him.

It is submitted by the learned counsel for the petitioner that the accusation is omnibus and general and some altercation took place in the house of Chunnu Choudhary for giving change of

money and subsequently some other accused persons assaulted the brother of informant. It is further submitted that informant is not an eye witness of the occurrence and the name of petitioner has surfaced along with others only on the basis of suspicion. There is no specific allegation of assault against the petitioner and similarly situated accused persons have already been granted anticipatory bail by a coordinate bench of this court vide order passed in Cr. Misc. No. 44554 of 2015. Statement has been 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 in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Muzaffarpur in connection with Kurhani P.S. Case No. 282 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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