

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60336 of 2017

Arising Out of PS. Case No.-271 Year-2017 Thana- CHANDI District- Nalanda

=====

Gautam Kumar S/o Manik Paswan, R/o Village- Girdharchak, P.S.- Chandi (Wena), District- Nalanda at Biharsharif.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2017 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147/149/341/323/307/379/354A/504 of the Indian Penal Code.

Prosecution case as per written report of Fekni Devi is to the effect on 19.08.2017 at 4.30 PM co-accused Praveen Kumar along with three persons came at the sweet shop of the informant and consumed 500 gm. Jalebi when the son of the informant, namely, Sonu Kumar demanded the price of Jalebi, the same was paid, but the earlier due amount of Rs. 210/- was not paid. When the earlier amount was demanded by the son of the informant, then Praveen Kumar and his friend Gautam Kumar started assaulting and abusing him. This petitioner



picked out Rs.1000/- from the pocket of the son of the informant and thereafter his other friends namely Mantu Kumar, Niraj Kumar, Vikram Kumar, Kumadan Kumar, Vinay Kumar and Sujay Kumar came variously armed and assaulted the other son of the informant, namely, Munna Kumar with lathi as a result he sustained bleeding injury on the head. When the wife of Munna Kumar, namely, Bharti Devi came to his rescue they tried to outrage the modesty of Bharti Devi.

It is submitted by learned counsel for the petitioner that accusation of assault is omnibus and general. Only one lacerated wound has been found on Munna Kumar. However, opinion with regard to some of the injuries has been reserved. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the co-accused, Praveen Kumar, who has accepted his guilt during investigation has been granted regular bail vide Cr. Misc. No. 50268 of 2017.

Considering the nature of accusation being omnibus and general against several persons, when only one injury has been found coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 12 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 the learned 1st Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Chandi (Wena) P.S. Case 271/2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

