

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27922 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -BUXAR RAIL P.S. District- BHOJPUR

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1. Krishna Kumar Pandey, Son of Kamla Pati Pandey, Resident of Village Naya Bhojpur, P.S. Dumraon, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Opposite Party/s : Mr. Sri Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

5 20-09-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Buxar Rail Police Station Case No. 05 of 2017, disclosing offences under Sections 341, 323, 504, 379, 307 and 34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that there is general and omnibus allegation against these petitioners and no specific overt act is attributed to them. In fact, occurrence is of 04.01.2017 whereas F.I.R. has been lodged on 09.01.2017 after lapse of five days without explaining the plausible delay which itself creates doubt over the prosecution version. As a matter of fact, though there is allegation of assault



against the petitioner but no injury report has been produced by the prosecution. Moreover, the co-accused, Vedbeyas Pandey has also lodged a case vide Dumraon P.S. Case No. 401 of 2015 against the informant and his family members, in which, the informant has been charge-sheeted by the police. Hence, the petitioners deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bhojpur at Ara, in connection with Buxar Rail Police Station Case No. 05 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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