

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31410 of 2017

Arising Out of PS.Case No. -80 Year- 2017 Thana -KURTHA District- JEHANABAD

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Santosh Kumar @ Santosh Yadav Son of Sri Budhlal Yadav, Resident of
Village- Kaitha Lodipur, P.S.- Kurtha (O.P. Manikpur), District- Arwal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad

For the Opposite Party/s : Mr. S. Ehteshamuddin

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 19-08-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Kurtha (Manikpur) P.S. Case No. 80 of 2017 for the offences punishable under sections 147, 148, 149, 341, 332, 337, 338, 307, 353, 504 and 109 of the I.P.C.

Allegedly, on the instigation of the petitioner the co-accused named in the FIR and 8-10 unknown persons attacked on the police party with lathi, danda and brick and they have assaulted on the head of the informant which hit near the left eye and one constable Mahendra Prasad Sao sustained injury on his left wrist. Some of the co-accused were arrested and some fled



away.

Submission is of false implication and that there is no allegation of assault against this petitioner, he has no concern with the alleged disputed land and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that during investigation the witnesses have supported the allegation that at the instigation of the petitioner assault was committed.

In the facts and circumstances as stated above, considering that the petitioner is simply an order giver and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. C.J.M. Arwal in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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