

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42067 of 2017

Arising Out of PS.Case No. -435 Year- 2017 Thana -KANKARBAGH District- PATNA

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Amit Kumar, son of Sri Bhola Chand Sao, Resident of Mohalla- Postal Park
Chauraha, P.S.- Kankarbagh, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-09-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Kankarbagh P.S. Case No. 435 of 2017 registered under
Sections 341, 323, 307, 504, 506 and 427 read with 34 of the
Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that even on admitted facts the ingredients of Section
307 of the Indian Penal Code are missing in the present case. He
submitted that the uncle of the informant namely Santosh Kumar
had taken a shop on rent in the house of the father of the
petitioner against whom the father of the petitioner has filed a
suit for eviction vide Eviction Suit No.11 of 2016 in the civil
court, Patna as he had defaulted in paying rent. The said Santosh



Kumar has not appeared in the said suit even after paper publication for his appearance and, as such, the matter is proceeded ex-parte. The said Santosh Kumar has set up the informant of the present case to institute a false case against the petitioner.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. He has submitted that there is specific allegation against the petitioner that he assaulted the informant of the case with *butt* of pistol and threw all his belongings from the shop.

Regard being had to the submissions made on behalf of the parties and in the facts and circumstances of the case, in the event of arrest or surrender in the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patna in connection with Kankarbagh P.S. Case No. 435 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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