

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.870 of 2017

Arising Out of PS.Case No. -129 Year- 2016 Thana -MANIHARI District- KATIHAR

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Amit Kumar Chaubey, Son of Yag Narayan Chaubey, Resident of Village-
Sohardange, P.O. Kumaripur, P.S. Manihari, District- Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Y.V. Giri, Sr. Advocate

Mr. Pranav Kumar, Advocate

For the State : Mr. Uday Chand Prasad, APP

For the Informant : Mr. Amarnath Deo Singh, Advocate.

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

ORAL ORDER

6 18-04-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel for the

Informant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Manihari P.S. Case No.
129 of 2016 for the offences punishable under sections 147, 148,
149, 325, 326, 342, 307 and 302 of the I.P.C and section 27 of the
Arms Act.

Allegedly, the petitioner and other co-accused named
in the FIR along with 100 persons attacked on the informant and
his family members and injured Rana Pratap Singh with bow and
arrow and further Bishundeo Murmu and Ashgar Ali gave order to
catch and kill him and then the accused persons started assaulting
Rana Pratap Singh with bamboo and lathi and some person took



away Rana Pratap Singh from the house. The accused persons also injured Ashok Kumar Singh, the father of the informant, with bow and arrow. When after knowing about the occurrence other person of other village came for rescue then they were also stopped by the accused persons. They broke the door of the house and started assaulting the family members of the informant. The accused persons have forcibly occupied the land and house.

Submission is of false implication and that for the same occurrence two FIRs have been lodged, one is by Rakesh Kumar Singh and other is by Chhotu Murmu. Fardbeyan of Ashok Kumar Singh has also been recorded in the hospital in emergency ward wherein 13 persons are named along with 8-10 unknown, Chhotu Murmu in the counter case has alleged that he has injured Rana Pratap Singh with bow and arrow in private defence as they were opening fire, the petitioner is a practicing Advocate, there is no specific allegation against him for committing any overtact, as per the FIR the order givers are also Bishundeo Murmu and Ashgar Ali and not the petitioner, the petitioner used to do pairvi in the case on behalf of other accused persons resulting he has also been implicated in this case, the statement of Ashok Kumar Singh has been recorded in paragraph- 11 of the case diary wherein he has not named the petitioner and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned



counsel for the informant opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner was present at the time of occurrence and he was leading the mob, the brother of the informant was killed brutally, the petitioner has got criminal antecedent as he is involved in several cases but he is on bail in all the cases, earlier in paragraph-3 of the application criminal antecedent of the petitioner was suppressed but later on in the supplementary affidavit it has been disclosed.

In the facts and circumstances as stated above, considering that in the FIR no specific role has been attributed against the petitioner and further one of the injured Ashok Kumar Singh has not stated the name of the petitioner in paragraph-11 of the case diary, the petitioner is Advocate and as such he, 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. Katihar 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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