

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13556 of 2017

Arising Out of PS.Case No. -277 Year- 2016 Thana -WARISNAGAR District- SAMASTIPUR

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Amarjeet Kumar @ Guddu, Son of Sri Vidya Bhushan Mahto, Resident of
Village- Samtalpur, P.S. Baris Nagar, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bhola Kumar, Advocate

For the Opposite Party : Mr. Humayou Ahmad Khan (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 08-04-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Waris Nagar P.S. Case No. 277 of 2016, registered for the
offences punishable under Sections 448, 341, 323, 324, 354,
354(A) (i) (ii) and 427 of the Indian Penal Code.

Allegedly, when the informant was cooking food
then the petitioner asked her to open the door and on refusal he
broken the door and started teasing her, resulting, she raised alarm
and came out of the house and when her husband came, the
petitioner assaulted the informant and further gave knife blow on
the husband of the informant near left eye but sensing the arrival
of villagers he fled away. Earlier also, the petitioner has assaulted
the informant and her family members and for that case was
lodged.

Submission is of false implication and that no such occurrence
has taken place, all the offences are bailable in nature except



Sections 354, 354(A)(i)(ii) of the Indian Penal Code, which are not attracted against the petitioner, virtually there is land dispute. The petitioner was granted pre-arrest bail in Waris Nagar P.S. Case No. 189 of 2016 lodged by the informant and thereafter again this false case has been instituted by the informant and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the petitioner is habitual in committing the crime and the witnesses have supported the allegation during investigation.

In the facts and circumstances as stated above, considering that during investigation the witnesses have supported the allegation vide para 6, 7 and 8 of the case diary, I am not inclined to grant privilege of pre-arrest to him and accordingly his such prayer stands rejected in connection with Warisnagar P.S. Case No. 277 of 2016, pending in the Court of learned Chief Judicial Magistrate, Samastipur.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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