

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42335 of 2018

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1. Chiku Kumar, S/o Shri Bijendra Rai, R/o Village- Chiraiyatand, P.O. +
P.S.- Neora, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awdhesh Kumar

For the Opposite Party/s : Smt. Sahin Begam, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 20-07-2018 Heard the learned counsel for the petitioner, learned

APP and the learned counsel for the informant.

The petitioner apprehends his arrest in Bihta P.S.
case No. 517 of 2018 for the offences punishable under Sections
147, 148, 149, 448, 354B, 341, 323, 380 and 307 of the Indian
Penal Code and under Section 27 of the Arms Act.

The informant named the petitioner along with three
other accused persons and some unknown persons and alleged that
they entered into her house and made an attempt to outrage her
modesty but on alarm Birendra Ray fired. The informant got
providential escape. The Petitioner and Vicky Ray are alleged to
have snatched ornaments from the possession of the informant. It
is further alleged that all other accused persons assaulted the



family members of the informant.

The learned counsel for the petitioner submits that petitioner and accused persons are residing on same village. A disputed piece of land is situated near the house of the petitioner. The accused persons came to the house of the petitioner and picked up quarrel for not allowing his family member to construct the house for that Bihta P.S. Case No. 518 of 2018 was registered from the side of petitioner. There is no specific allegation of assault is alleged against the petitioner although three persons from the side of the petitioner have been injured. On account of land dispute the occurrence took place.

On the other hand, the learned APP as well as the learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that petitioner was also armed with pistol but it appears from perusal of F.I.R. as well as the counter version being Bihta P.S. Case No. 518 of 2018 that on account of land dispute both sides quarrel with each other but no specific allegation of assault is made against the petitioner. The allegation of assault is against other accused persons.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner above named in the event of his arrest or surrender before the learned court



below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged 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-I, Danapur, Patna in connection with Bihta P.S. case No.517 of 2018 subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/Rajan

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