

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61608 of 2018

Arising Out of PS. Case No.-248 Year-2018 Thana- ALAMGANJ District- Patna

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1. Kishore Kumar, Son of Late Chamru Sao,
 2. Avinash Kumar, Son of Kishore Kumar,
 3. Prakash Kumar, Son of Kishore Kumar,
- All resident of Mohalla- Makhanpur, Near Krishan Parnami
Mandir, Police Station- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithlesh Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-12-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 307,323,341,379/34
of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Satish Kumar, recorded by S.I. S.G. Hodi, Alamganj Police
Station on 19.05.2018 at 04.00 P.M., in Emergency Ward, Bed
No.34, N.M.C.H., Patna to the effect that the informant went at
house of petitioner no.1, Kishore Kumar for the purpose of
demanding due amount against supply of cement and iron rod to
him, and on demanding the due amount, all the accused persons
abused and assaulted the informant with fist and slaps. It is
further alleged that when the brother of the informant, Vikash



Kumar, raised objection for the occurrence, all the accused persons assaulted on his head with an iron rod and snatched a gold chain from his neck. The accused person also snatched Rupees Two Thousand from the informant.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the petitioners. The impugned order reflects that despite the repeated orders of notices being issued, the prosecution has failed to produce the case diary and the injury report. However, by way of supplementary affidavit, learned counsel for the petitioner has brought on record, the injury report of Vikash Kumar, which shows the nature of injury is superficial, simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioner.

Considering the genesis of the occurrence and in view the fact that the prosecution has failed to brought on record the case diary and the injury report, which gets reflected from the impugned order itself, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be



released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Patna City, in connection with Alamganj P.S. Case No.248/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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