

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73522 of 2018

Arising Out of PS. Case No.-261 Year-2018 Thana- NAVINAGAR District- Aurangabad

Anup Kumar Thakur @ Anup Thakur, Son of Nand Kumar Thakur, Resident
of Village-Koeridih, P.S.- Navinagar, Distt.-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2018 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 353 and 504/34 of the IPC.

The prosecution case is that the informant being the gate-man of a railway crossing, shut down the gate since a goods train was to pass, whereupon the petitioner came and forced the informant to open the gate and when the informant declined to do so, the petitioner assaulted him. It is also alleged that the petitioner called 50-60 persons, who also assaulted the informant. The accused persons also snatched the gold chain of the informant.

Learned counsel for the petitioner submits that the informant was not on duty on the alleged date of occurrence and



in the background of earlier dispute, the accusation has been levelled. There is a counter version of the occurrence also, being Nabinagar P.S. Case No. 260 of 2018, registered under Sections 341, 323, 379 and 504 of the IPC. It is further submitted that superficial injury of marginal size has been caused to the informant, whereas the accusation is that the petitioner along with 50-60 persons have brutally assaulted him. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that there is specific accusation against the petitioner that he was forcing the informant to open the gate of railway crossing when the good train was about to pass and when the informant refused to open the gate, he was brutally assaulted by the petitioner and 50-60 other persons.

Considering the nature of accusation being not corroborated by the injury report, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten



thousand) with two sureties of like amount each to the satisfaction of learned CJM, Aurangabad in connection with Nabinagar P.S. Case No. 261 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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