

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20397 of 2018

Arising Out of PS. Case No.-279 Year-2017 Thana- MASRAKH District- Saran

Kamlesh Sah S/o Pandit Sah, R/o Village- Dumarshan, P.S.- Mashrakh ,
District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Adv.
For the Opposite Party/s : Sri J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-04-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 353, 504 and 506 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 08.10.2017 submitted by one Ajay Kumar Paswan, Officer I/c Masrakh Police Station to the ACJM-VIII, Saran to the effect that on the complaint of one Durgawati Dev that his agnate Krishna Sah @ Krishna Kumar Prasad and others are making construction over her land, the informant went to conduct the enquiry, when the accused persons made assault to the informant with deadly weapons. Specific accusation is against co-accused, Krishna Sah @ Krishna Kumar Prasad (non-



petitioner) to have assaulted with 'bhujali' on the head of the informant causing injury.

It is submitted by learned counsel for the petitioner that only specific accusation against co-accused Krishna Sah @ Krishna Kumar Prasad. There is no specific accusation against the petitioner. In fact, the police in order to help the agnate of the petitioner, namely, Durgawati Devi, has lodged the present case. Moreover, co-accused, Krishna Sah @ Krishna Kumar Prasad, has been granted regular bail by a co-ordinate Bench of this Court, vide Criminal Miscellaneous Case No.3496 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that there is specific accusation against the petitioner.

Considering the fact that specific accusation has not been levelled against this petitioner, coupled with 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 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) with two sureties of the like amount each to the



satisfaction of the learned ACJM-VI, Saran, Chapra, in connection with Masrakh P.S. Case No.279 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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