

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20048 of 2018

Arising Out of PS. Case No.-284 Year-2017 Thana- RAMKRISHNANAGAR District- Patna

Rakesh @ Rakesh Kumar, S/o-Late Bijay Kumar, R/o- Village- Changar, P.S.-
Kankarbagh, District- Patna (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr. Ajay Kumar-1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-04-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 323, 337, 338, 354, 379 and 504 of the IPC.

The prosecution case, as per the written report of Raghunath Prasad, dated 30.09.2017 submitted to the Station House Officer, Ramkrishna Nagar Police Station is to the effect that on 30.09.2018, at 5.30 P.M., the informant was sitting at his door, in the meantime, Pintu Kumar, his brother Bajrangi, co-villager Vikki, Tutu, Amit and the petitioner Rakesh along with 8 to 9 unknown persons came variously armed and started assaulting the informant and his family members with lathi and iron rod. It is specifically alleged that Pinti Kumar assaulted the wife of the informant with bricks on her head causing bleeding



injury, as a result of which, she got unconscious. On the order of Pintu Kumar to kill the wife of the informant, co-accused Vikki, Tutu, Amit and the petitioner assaulted the wife of the informant and Pintu Kumar snatched Mangal Sutra worth Rs. 10,000/- from her while other unknown persons entered into the house of the informant and assaulted the daughter of the informant and other family members. On alarm being raised, the neighbours of the informant came then Pintu Kumar snatched Rs. 10,000/- and two mobiles from the pocket of the informant. Subsequently, all the accused persons entered into the house of the informant and took out jewellery and other articles worth Rs. 2 lacs, but while escaping, Pintu Kumar was apprehended and was subsequently, handed over to the police.

It is submitted by learned counsel for the petitioner that though, the FIR was registered on 30.09.2017, but it reached to the Court of learned Magistrate on 02.10.2017, which clouds the *bona fide* of the accusation, hence, the FIR has been registered by antedating. The accusation against the petitioner is omnibus and general. The accusation of snatching or committing theft is not specific against the petitioner. The accusation levelled under Section 354 IPC is also not specific against the petitioner. The impugned order suggests that none have received any grievous



injury. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the petitioner is named in the FIR and it is alleged that he also participated in the occurrence.

Considering the nature of accusation being omnibus and general and 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 Sub-Judge-XIII-cum-A.C.J.M., Patna in connection with Ramkrishna Nagar P.S. Case No. 284 of 2017, 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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