

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27112 of 2018

Arising Out of PS.Case No. -160 Year- 2017 Thana -DHANARUA District- PATNA

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Chaena Kumar S/o Ajay Das, R/o vill.- Mishri Chak, P.S.- Dhanrue,
District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Nandan Pandit

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 03-05-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 323, 341, 354B, 379, 452, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of Arjun Kumar dated 10.04.2017 submitted to the Station House Officer, Dhanarua P.S., is to the effect that on 10.04.2017 at 6.30 P.M. while the informant was having eggs from a shop, in the meantime, co-villager, Santosh Kumar, came in an inebriated condition and assaulted the informant snatched his mobile phone and Rs.50,000/-. Informant went to home and



explained the incident to the family members. Thereupon, informant's nephew, Kapil Kumar, went to the house of Santosh Kumar and there he was being assaulted by the family members of Santosh Kumar including the petitioner. It is specifically alleged that Gore Kumar assaulted Kapil Kumar with the butt of the pistol causing injury in his eye. Thereafter, all the accused persons entered into the house of the informant and the co-accuse Chandan Kumar tried to outrage the modesty of the daughter-in-law of the informant and snatched her Mangalsutra. The accused persons also took away the utensils from the house of the informant.

It is submitted by learned counsel for the petitioner that accusation of assault is not specific against the petitioner and accusation of committing theft is cosmetic in nature. There is no injury report on record. From the FIR it appears that the thrust of accusation is against co-accused Santosh Kumar and Chandan Kumar. A statement has been made in paragraph 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.

Considering the fact that thrust of accusation is



against co-accused Santosh Kumar and Chandan Kumar coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Masaurhi, Patna in connection with Dhanarua P.S. Case No. 160 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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