

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23164 of 2018

Arising Out of PS.Case No. -4 Year- 2018 Thana -SAHPUR District- PATNA

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1. Rahul Kumar S/o Mahendra Rai, R/o Vill.- Chandmari, P.S.- Shahpur,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 26-04-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 342, 323, 324, 307, 149, 379 of the IPC

The prosecution case as per the fardbeyan of Devendra Rai recorded by ASI Shahpur P.S. on 4.1.2018 at about 11.00 A.M. is to the effect that petitioner went to his field for irrigating the same but found that bricks have been put in the boring upon which the informant began abusing, without naming anybody. In the meantime, six accused persons including the petitioner armed with lathi, danda, small gun and started abusing and assaulting the informant. Somehow the informant saved his life and reached at his door, but all the accused persons came running and caught the informant. The informant further alleged that son of Bijendra Rai assaulted the



informant and caused injury on his head. Other accused assaulted on other parts on body. Accused Manish Singh took Rs.5000/- from the pocket of the informant, while accused Rahul Kumar was holding the small gun in his hand.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled. There is a counter version of the case also. Accusation of assault is not specific against the petitioner. It is only alleged that the petitioner was armed with gun but there is no accusation that the gun was used. Moreover other accused persons have been granted bail by different Benches of this Court in Cr. Misc. No.17886 of 2018, Cr. Misc. No.18748 of 2018 and Cr. Misc. No.19177 of 2018, respectively.

Considering the facts aforesaid and the nature of allegation made against the petitioner, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur (Patna), in connection with Shahpur P.S. Case No.04 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Sanjeev/-

(Dinesh Kumar Singh, J)

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