

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56511 of 2017

Arising Out of PS.Case No. -278 Year- 2017 Thana -BUDDHACOLONY District- PATNA

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Nikhil Kumar Son of Sri Anil Kumar a resident of Mohalla - North Mandiri,
P.S. - Budha Colony, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-01-2018 Heard the learned counsels for the petitioner and the

State.

The petitioner seeks pre-arrest bail in connection with
Buddha Colony P.S. Case No. 278 of 2017 dated 19.08.2017
instituted for the offences under Sections 147, 148, 149, 341, 323,
307, 504 and 506 of the Indian Penal Code and Section 27 of the
Arms Act.

The informant alleges that the petitioner and others
along with seven unnamed persons of the FIR surrounded him and
one of the accused persons identified to be the resident of Rajapur
assaulted him by Lathi on his head. The informant also claims to
have been fired at but he was not hit. At gun point, he was taken to
a place and thereafter was assaulted.

Learned counsel for the petitioner has submitted that
even though the informant has named the petitioner but has not



attributed any overt act. It has therefore been submitted that but for the name of the petitioner having crept in the column of the accused persons, there is no other material to connect the petitioner with the crime. The petitioner has got no concern with the informant and it appears that only because he was spotted by the informant at the place where he was assaulted, he has been named.

The petitioner earlier was made accused in one case under Section 395 of the Indian Penal Code but in the aforesaid case, he has been granted bail.

For the aforesaid facts, the petitioner above named in the event of his surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna in connection with Buddha Colony P.S. Case No. 278 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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