

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52225 of 2018

Arising Out of PS.Case No. -14 Year- 2018 Thana -KHARHAGPUR District- MUNGER

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Ghanshyam Pandit, S/o Late Lochan Pandit, R/o Village - Manjhagain,
P.S.- Kharagpur (Shampur), District - Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 11-10-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 308, 504 and 354/34 of the Indian Penal Code.

Munni Devi, a family member of the petitioner lodged Kharagpur (Shampur) P.S. Case No. 15 of 2018 against informant of this case and others alleging therein that the named accused person committed assault against her, just to pressurize to withdrawal of a rape case lodged by the informant of the case against others.

Submission is that by way of retaliation, the present FIR has been lodged with allegation of commission of assault wherein specific allegation against petitioner is of commission of



assault causing injury at the head of the informant with *lathi*. The Doctor has found simple injury.

Considering the background of allegation, chances of *mala fide* prosecution cannot be ruled out for the purpose of consideration of prayer for anticipatory bail. Hence, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Kharagpur (Shampur) Police Station Case No. 14 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

Kundan/Rajan

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