

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52296 of 2018

Arising Out of PS.Case No. -205 Year- 2018 Thana -BUXAR District- BUXAR

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Harendra Kunvar @ Harendar Kumar, S/o Late Sachidanand Kunvar, R/o
Mohalla- Budhanpurwa, P.S.- Buxar (T), District- Buxar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nil Kamal, Advocate.

For the Opposite Party : Mr. Madhuranand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 307, 427,
120(B) of the IPC, 25(1-b)a, 25(i)A 26, 27 and 35 of the Arms
Act.

The prosecution story, in brief, is that on 21.04.2018,
the informant received information that some criminals armed
with weapon are demolishing the house of Nathuni Yadav. He
went there and arrested co-accused Braj Kishore Choubey @
Banti Choubey, Ravi Kant Upadhyay and Priyabrat Dubey with
arms alongwith cartridges. It is also alleged that some accused fled
away after thrown out their arms at the house of Chhote Lal Rai



which were seized. Chhote Lal Rai disclosed the names of fled away accused as Babli Dubey, Dhunmun Dubey. Arrested accused also disclosed the names of fleeing away accused as Babli Yadav, Dhunmun Dubey, Sunil Rai, Master Saheb who were called to get over a possession of land. Some persons disclosed the names of accused, who fled away armed with weapons as Babli Yadav, Dhunmun Dubey, Harendra Kunwar (petitioner), Vivekanand, Sunil Rai, Master Saheb, Vicky Tiwary, Pintu Kumar Singh Vickku Misr, Manoj Dubey, Tinku Mishr and other people who claimed to have not identified. They came for demolishing the house of Nathuni Yadav on call by Sunil Rai and Babli Dubey by JCB. The driver of JCB disclosed the owner of JCB as Ragho Rai and Dinesh Rai who fled away. Hence, he was arrested.

It has been submitted by learned counsel for the petitioner that the petitioner has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. For the same occurrence, two F. I. Rs., were instituted. One by the police which is present one and other by one Nathuni Yadav. The case instituted by Nathuni Yadav, petitioner has been granted anticipatory bail. In the present case, it is alleged that the petitioner had managed to flee way from the place of occurrence. No specific allegation has



been made against the petitioner. General and omnibus allegation has been made against the petitioner.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Buxar, in connection with Buxar (Town) P.S. Case No. 205 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

