

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56040 of 2018

Arising Out of PS.Case No. -74 Year- 2018 Thana -RAJEPUR District- EASTCHAMPARAN
(MOTIHARI)

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Umesh Bhagat @ Umesh Prasad, Son of Mahendra Prasad @ Mahendra Bhagat, Resident of Village- Kashi Pakari, P.S.- Rajpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the informant : Mr. Bimlesh Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-11-2018 Heard learned counsel for the petitioner, O.P. No. 2 and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 341, 342, 447, 323, 324, 307, 506, 34 of the Indian Penal Code.

The prosecution case, in brief, is that while the informant was sleeping at his door, all of a sudden, two persons came there and one person pressed both his legs and the petitioner is alleged to have pressed his shoulder.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. From perusal of the injury report, it



appears that the nature of injury has not been indicated. Hence, it cannot be said that an offence u/S 307 of the Indian Penal Code is made out. Due to previous enmity, the petitioner has been falsely implicated in this case. The alleged occurrence is said to have taken place on 24-05-2018 but the case was instituted on 27-05-2018. The delay has not been explained by the prosecution.

On behalf of the State and O.P. No. 2, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Rajepur P.S. Case No. 74 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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