

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67969 of 2018

Arising Out of PS. Case No.-22 Year-2018 Thana- SAMHO District- Begusarai

Rambrikash Yadav, Son of Kisho Yadav, Resident of Village Jhagraha
(Laghauna), P.S. Samho, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar
For the Opposite Party/s : Mr. Binod Kumar 3

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 342, 384, 447 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 06.06.2018 submitted by Rajendra Chaudhary to the Station House Officer, Samho Police Station to the effect that on 05.05.2018 at 3.30 P.M., the informant along with his driver Sunil Chaudhary were ploughing the field by tractor, in the meantime, the petitioner and other accused persons came and objected for ploughing the field. On protest being made they assaulted the informant with fists and slaps, as well as with



butt of the pistol. In the meantime, accused persons also assaulted the driver of the informant and threatened to kill him if he ploughs the field. It is specifically alleged against the petitioner Rambrikash Yadav that he got the back tyre of the tractor of the informant punctured by resorting to fire and demanded Rupees One Lac as extortion and threatened the informant for dire consequences.

It is submitted by learned counsel for the petitioner that accusation is omnibus and general and the injury has been found to be simple in nature. Moreover, similarly situated co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 60837 of 2018. There is a counter version of the occurrence, being Samho P.S. Case No. 7/2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner in the FIR.

Considering the omnibus and general nature of accusation and the injury does not corroborate the accusation against the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal



antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Begusarai in connection with Samho P.S. Case No. 22 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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