

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15308 of 2018

Arising Out of PS.Case No. -101 Year- 2015 Thana -BALIA District- BEGUSARAI

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1. Jyotish Singh @ Jyoti Kumar, Son of Late Ramashrey Singh, Resident of Fatehpur, P.S.- Balia, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 10-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with Balia Police Station Case No. 101 of 2015 registered for the offences punishable under sections 341, 323, 379, 307, 504 and 506/34 of the Indian Penal Code.

It has been submitted that the petitioner is own nephew of the informant. The father of the petitioner was Karta of the family and after his death, the informant became Karta and started managing his family. The petitioner is a Constable posted in Boarder Security Force and he mostly resides far away from his house in connection with his service. The petitioner came at his house and demanded papers relating to ancestral property which



caused annoyance to the informant. The informant in order to teach lesson has lodged this case with false and frivolous allegation. It is further submitted that the allegation of assault is omnibus against five accused persons out of whom some of them have been granted regular bail by the court below. It is further submitted that the informant has sustained simple injury and so no offence of section 307 IPC is made out.

The learned Additional Public Prosecutor on the other hand, opposed the submission.

Considering the nature of allegation, facts and circumstances of the case, the prayer of anticipatory bail is allowed and the petitioner above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in connection with Balia Police Station Case No. 101 of 2015, subject to the condition as laid down under section 438 (2) of the Criminal Procedure Code. Further condition is that (1) one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. (2) The petitioner will not induce any witness or tamper with the



evidence. (3) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

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