

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19886 of 2018

Arising Out of PS. Case No.-745 Year-2017 Thana- HILSA District- Nalanda

Surendra Prasad, son of Yamuna Prasad, resident of Village- Reri Parwalpur,
P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-04-2018 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 147, 148, 149, 379, 354B, 506, 504, 307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 20.11.2017 submitted by one Baby Devi addressed to the Station House Officer, Hilsa Police Station to the effect that on 20.11.2017 at 6.00 AM, the accused persons, the co-villagers including the petitioner blocked the pathway of the informant since he has some hot exchange with the husband of the informant. The accused persons abused the informant's



husband and when the informant made protest co-accused Satyendra Prasad caught hold the hairlog of the informant and tried to outrage her modesty when the informant tried to escape from the scene, co-accused, Pawan Kumar caught hold of her and Vikash Kumar snatched both earrings and gold chain of the informant. It is further alleged that co-accused Amit Kumar fired with rifle which hit on the right knee of the informant, as a result, she fell down. On alarm being raised, the villagers came and took her to Hilsa hospital for providing medical assistance, but the accused persons obstructed them to do so. Co-accused Ranjeet Kumar fired from the gun which hit the husband of the informant on the abdomen, as a result he fell down and got unconscious. Though firing was also made by Manoj Kumar on the husband of the informant, but his firing did not hit him.

It is submitted by learned counsel for the petitioner that the only accusation against the petitioner is of obstructing the pathway by putting straw along with other caused persons. There is no accusation against the petitioner either of making assault or resorting to fire. Moreover, co-accused, Pramod Prasad, has been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 5053/2018. A statement has been made in para no.3 of the petition that



the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that the petitioner is named in the FIR.

Considering the fact that there is no specific overt act has been alleged 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 ACJM-I, Hilsa, Nalanda, in connection with Hilsa P.S. Case No.745 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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