

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12075 of 2018

Arising Out of PS. Case No.-224 Year-2017 Thana- EKMA District- Saran

1. Rajan Chaudhary, Son of Late Bhagwan Chaudhary
2. Manoj Kumar Patel @ Manoj Patel, Son of Hare Ram Patel
3. Dilip Sah, Son of Nagendra Kumar, all Residents of Parsagarh Bazaar, P.S.-
Ekma, District-Saran, Bihar.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh
For the Opposite Party/s : Mr. YOGENDRA KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 325, 307, 353, 506, 504 and 379 of the IPC.

The prosecution case, as per the written report of Prameshwar Singh dated 19.10.2017, submitted to the Station House Officer, Ekma Police Station is to the effect that on 18.10.2017, the informant, being the constable under SAP, was on patrolling duty, when at 10 PM, he found 15 to 20 persons playing cards. The informant forbade them to play cards, on which, they protested by saying that on the eve of Deepawali, they will play cards whole night, thereafter, co-accused Vijay Choudhary instigated the other accused persons, when eight



accused persons including the petitioners assaulted the informant with lathi and danda and they also tried to rob the mobile of the informant. On alarm being raised, several Chaukidars of the local areas came and rescued the informant.

It is submitted by learned counsel for the petitioners that in fact on the eve of Deepawali, the people were playing cards when with ulterior motive, the informant had some hot exchange with co-accused Vijay Choudhary and in that background, in order to save its own skin, the present case has been lodged. The accusation of assault against the petitioners is not specific. It is alleged that eight accused persons assaulted the informant, but the informant received three superficial injuries which have been found to be simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that accusation of assault is also against the petitioners.

Considering the fact that specific accusation of assault is against co-accused Vijay Choudhary and the accusation not being corroborated by the medical opinion, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period



of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM, 1st Saran at Chapra in connection with Ekma P.S. Case No. 224 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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