

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27072 of 2018

Arising Out of PS.Case No. -11 Year- 2014 Thana -FESHAR District- AURANGABAD

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Kameshwar Singh S/o Ram Nandan Singh, R/o Vill.- Thana Bigha, P.S.-
Fesar, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Opposite Party/s : Mr. Sri Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 03-05-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 324, 341, 379, 448, 504, 506 and 307/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Ram Pravesh Singh recorded by A.S.I. of Aurangabad Town P.S. on 27.02.2014 at 11.30 A.M. at Sadar Hospital, Aurangabad, is to the effect that on 27.02.2014 at 8.00 A.M. the informant was at his house, in the meantime, the FIR named accused persons including the petitioner came, entered into the courtyard of the informant whereupon Nagdhayan Singh @



Nagendra Singh abused the informant for not transferring the land in his favour, on the order of this petitioner, Kameshwar Singh the daughters of Nagdhyan Singh assaulted the informant and the family members, i.e., wife and daughter with lathi and iron rod, as a result, the daughter of this informant, Rina Devi was partly disrobed, even thereafter Bijay Singh and his daughter assaulted her. The accused persons also snatched chain and other articles.

It is submitted by learned counsel for the petitioner that there is no accusation of assault against the petitioner. He is simply an order giver. There is counter version of the occurrence also being Fesar P.S. Case No. 12 of 2014 registered under Sections 323, 341, 379 and 504/34 of the Indian Penal Code lodged by Nagdhayan Singh against the informant and others. On conclusion of the investigation the petitioner has not been sent up for trial. However, the other accused persons have been charge sheeted, but differing with the final report the learned Magistrate has taken cognizance of the offence and issued process against the petitioner.

Learned APP, however, submits that after finding, prima facie, offence the learned Magistrate has taken cognizance and issued process against the petitioner.



Considering the fact that the accusation of assault has not been levelled against the petitioner and on conclusion of investigation the petitioner has not been sent up for trial, however, differing with the final report, cognizance has been taken against the petitioner coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. – 8th, Aurangabad in connection with Fesar P.S. Case No. 11 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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