

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39753 of 2018

Arising Out of PS. Case No.-7 Year-2018 Thana- SHEKHPURA District- Sheikhpura

Radhey Shyam Kumar S/o Late Bindeshwari Yadav, R/o Dani Bigha, P.S.-
Sheikhpura (Kusumbha O.P.), District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 386, 504 and 506 of the IPC.

The prosecution case as per the Fardbayan of Ajay Kumar recorded by S.I. Mithilesh Kumar, SHO, P.S. Kusumbha OP on 06.01.2018 at 03.30 P.M. is to the effect that on the same day the informant, being driver of the truck was going from Shekhpura to Domchach, when on the way, at 12.15 P.M., near village Danivigha, 7-8 persons stopped the truck and demanded Rs.5,000/- as donation for the celebration of Saraswati Puja. When the informant gave Rupees Fifty One as donation then, the accused persons dragged the informant on the ground from the truck and made assault. Thereafter, co-accused Amit Kumar alias Sudhir Kumar assaulted with lathi causing injury on the



right hand of the informant and the other co-accused persons took away a Titan wrist watch and Rupees Thirty Five Thousand from the pocket of the informant. In the last portion of the FIR, it has further been alleged that along with others, the petitioner also assaulted the informant.

It is submitted by learned counsel for the petitioner that the petitioner is nineteen years of age and one month prior to the occurrence, his father died and maliciously, the name of the petitioner has been roped in as an accused in the present case. Curiously enough, the informant was knowing the parentage of the petitioner while lodging the FIR. It is further submitted that the accusation of snatching of Rupees Thirty Five Thousand and a Titan wrist watch from the informant is omnibus and general and except the accusation under Section 386 of the IPC, all the offences alleged are bailable. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the genesis of the occurrence, statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, the accusation of snatching



Rupees Thirty Five Thousand and Titan watch from the informant is omnibus and general couple with the statement in paragraph 9 of the petition that the petitionr is a student of ITI , let the petitioner above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sheikhpura in connection with Sheikhpura (Kusumbha O.P.) P.S. Case No. 07 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The learned Court below will call for a report from the concerned police station with regard to the conduct of the petitioner for the next six months and will confirm the provisional bail of the petitioner only if the report is found to be satisfactory.

(Dinesh Kumar Singh, J)

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