

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39855 of 2018

Arising Out of PS.Case No. -267 Year- 2018 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

=====

Anku Sahni @ Abhinav Swaroop, Son of late Sanjeev Swaroop, Resident
of Mohalla- Belbanwa, P.S. Motihari Town, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 11-07-2018

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 279,
323, 324, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report
of Lalmohan Kumar dated 09.05.2018 submitted to the Station
House Officer, Motihari Town P.S., is to the effect that on the
same day at 2 P.M. the informant was hit by the handle of one of
the motorcycles of the accused persons, as a result, he fell down.
On protest being made, all the accused persons got down from
the motorcycles and the petitioner, Anku Sahni assaulted the
informant with country made pistol. It is also alleged that co-



accused Manoranjan Ram, Pramod Singh and four unknown persons also assaulted the informant. Accused persons took away two mobile phones and Rs.500/- from the pocket of the informant.

It is submitted by learned counsel for the petitioner that the FIR was lodged on 09.05.2018 at 5.00 P.M. but it reached to the Court of learned Chief Judicial Magistrate on 11.05.2018, which clouds the bonafide of the accusation. It is also alleged that seven persons assaulted the informant but the injury report suggests only abrasion of marginal size on the right side of the head with mild swelling has been found simple in nature, conducting after radiological examination. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the petitioner is named in the FIR with specific accusation.

Considering the accusation being not corroborated by the medical opinion 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 267 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

