

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71636 of 2018

Arising Out of PS. Case No.-160 Year-2018 Thana- DESARI District- Vaishali

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Dipak Kumar @ Deepak Kumar, S/O Sri Mithilesh Singh, R/V-
Dharamdaspur, P.S. Desari, District-Vaishali.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : M/S. Manish Kumar No 13 and Rohit Kumar,
Advocates.

For the Opposite Party : Mr. Anil Kumar, A.P.P. 78.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 323, 324, 307 and
379/34 of the IPC.

The prosecution story, in brief, is that on 04.07.2018
at about 1.00 P.M., the informant was returning alongwith her
son Rajiv Kumar after purchasing domestic articles from *Desari*
Bazar and when she reached near the State Bank of India
Branch, all of sudden, three bike riders six in number
surrounded her variously armed with pistol and *Chhura*. Out of
six persons, three persons were identified and petitioner was one
of them. Co-accused Manish Kumar was armed with pistol and



others were armed with *Chhura*. It is alleged that on the point of revolver and *Chhura*, they tried to snatch the articles and they took out the domestic articles worth Rs. 5,000/- from Rs. 11,000/- from pocket of Rajiv Kumar. When his son protested then he was assaulted with the *butt* portion of the pistol on the head and back. Co-accused Gaurav Kumar snatched golden chain worth Rs. 60,000/-. Accused persons pushed her and her son consequently they fell down, then the accused persons made firing and fled away on their Motorcycles. Her son was treated at *Desari Hospital* and thereafter he was referred to *P.M.C.H. Patna*.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. For the purpose of assault, butt of the pistol is alleged to have been used by the petitioner. There is no allegation of using of pistol in course of occurrence by the petitioner. This indicates that the petitioner had no intention to commit murder. It is, at best, a case for an offence under Section 325 of the IPC. No offence under section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate. Other



co-accused has been granted anticipatory bail vide Cr. Misc. No. 63345 of 2018 order dated 14.12.2018.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Vaishali, in connection with Desari P.S. Case No. 160 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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