

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12241 of 2018

Arising Out of PS. Case No.-159 Year-2017 Thana- KHAJEKALLAN District- Patna

Ashok Kumar S/o Dilip Kumar Mahto, R/o Village- Mogalura, Lala Toli,
P.S.- Khajakala, District- patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

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

The prosecution case got initiated on the basis of written
report dated 11.09.2017 submitted by Abhisekh Kumar @ Golu
to the Station House Officer, Khajekala Police Station to the
effect that on 10.09.2017 at 10.30 P.M., the informant saw from
the window that co-accused Raja Choudhary was unloading the
illegal liquor and ganja on the roof of the informant's house. On
protest being made, the accused persons assaulted the informant
and threatened to implicate him in false case. On 11.09.2017, at
4 P.M, while the informant was going to take meal at his home,



co-accused Raja Choudhary, Sunil Gope and the petitioner Ashok Kumar along with 3-4 unknown persons assaulted the informant with iron rod and threatened for dire consequences.

It is submitted by learned counsel for the petitioner that accusation of assault has been alleged by three persons, whereas, the impugned order suggests that the informant received only one lacerated injury. However, the nature of injury has not been discussed by the doctor, but the same is simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that accusation of assault is against this petitioner also.

Considering the fact that accusation is not corroborated by the medical opinion, coupled with statement made in paragraph no.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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Patna City in connection with Khajakala P.S. Case No.159 of 2017, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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