

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43761 of 2018

Arising Out of PS. Case No.-79 Year-2016 Thana- JAHANABAD District- Jehanabad

Shiv Kumar Yadav, S/o Late Bindeshwari Yadav, R/o Mohalla Gaurakshini,
P.S. & District- Jehanabad. Petitioner

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Adv.

For the Opposite Party/s : Smt. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-07-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 336, 337, 379 and 504/34 of the IPC and 27 of the Arms Act.

The prosecution case, as per the written report of Rohit Kumar, submitted to the S.H.O. Jehanabad Town P. S, is to the effect that on 15.02.2016 the informant and others were making arrangements for immersion of idol of goddess Saraswati, in the meantime, three persons namely, Prince Kumar, Deepak Kumar and the petitioner, Shiv Kumar Yadav, came on a motorcycle and dashed two persons and injured them and on protest being made, those three miscreants threatened and left the place of occurrence at 10.30 P.M., the accused persons again came along with nine to ten other persons variously armed, out of which, several persons including the petitioner were identified by the



informant. The accused persons pelted stones at the house of the informant and when the father of the informant, Manoj Kumar Mishra and elder brother, Kundan Mishra came out of the house, then co-accused Prince Kumar and Deepak Kumar assaulted them with a sharp cutting weapon causing cut injury on the head of the informant's father and elder brother. The father of the informant was initially treated at Jehanabad Sadar Hospital and thereafter, he was referred to P.M.C.H., whereas the brother of the informant was treated at Jehanabad Sadar Hospital. It is also alleged that the petitioner snatched a gold ring and Rs. 1,300/- from the father of the informant.

It is submitted by the learned counsel for the petitioner that for a petty dispute, the accusation has been levelled against the petitioner. Moreover, for the occurrence of 15.02.2016 at 10.00 A.M., the FIR has been lodged on the same day at 11.10 P.M. and it reached to the Court of learned C.J.M. Jehanabad on 17.02.2016, which clouds the bona fide of the accusation which suggests that the FIR has been registered by antedating. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioner.



Considering the fact that the specific accusation of assault has not been levelled against the petitioner and accusation of snatching gold ring and Rs. 1300/- appears to be cosmetic in nature, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned C.J.M., Jehanabad, in connection with Jehanabad P. S. Case No. 79 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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