

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50846 of 2018

Arising Out of PS. Case No.-70 Year-2017 Thana- PARBATTa District- Khagaria

Shambhu Sharan Mishra S/o Late Ram Chand Mishra @ Ramchandra Mishra, R/o At and P.O. Kanhaiyachak, P.S.- Parbatta, District- Khagaria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 147, 149, 323, 324, 307, 337, 379, 353, 333, 427 and 504 of the Indian Penal Code.

The prosecution case, in short, is that while informant along with others was on official duty, the accused persons created obstruction in their duty and started opposing the arrest of accused persons. They also started pelting stone on the police party and also assaulted the informant with knife.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



petitioner. It is submitted that 10 persons have been named in the F.I.R. along with 10 unknown persons. It is a case where the villagers were protesting against the police party who had gone to arrest on Ravindra Mishra. Co-accused Chanakya is alleged to have given knife blow on the informant causing injury on the thigh. As far as petitioner is concerned, no injury or overt act is alleged against him. He has been made accused due to mistake of fact.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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 learned A.C.J.M. -I, Khagaria in connection with Parbatta P.S. Case No. 70/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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