

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19385 of 2019**

Arising Out of PS. Case No.-394 Year-2018 Thana- DURGAWATI District- Kaimur (Bhabua)

Om Prakash Mallah Son of Late Rameshwar Mallah Resident of Village -
Chehariya, P.S. Durgawati, District Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Vardhan Narayan

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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

2 12-04-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 353, 379, 504 and 506 of the IPC.

The prosecution case is that on on 30.11.2018, the direction of the Station House Officer, Durgawati Police Station, the informant, being a Chaukidar was going to serve a notice, issued by the Lok Adalat, to the petitioner, when it is alleged that the petitioner snatched the notice and tore the same. The petitioner also abused and assaulted the informant and took away Rs. 1,600/- from the pocket of the informant.



It is submitted by learned counsel for the petitioner that the petitioner and the informant are on inimical terms from before, as the informant used to trade illicit liquor and when the petitioner made protest, the present malicious case has been lodged against him. The malicious conduct of the informant also gets reflected from the fact that the alleged occurrence took place on 30.11.2018 at 4 P.M., whereas the FIR has been lodged on the same day at about 5.30 P.M. It is further submitted that the accusation is not being corroborated by any medical opinion and the petitioner is accused in one more case apart from the present case.

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

Considering the fact that the occurrence took place in the village when only one other Chaukidar is the witness to the alleged occurrence and the accusation not being corroborated by any medical opinion, 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 CJM, Kaimur at Bhabua in connection with Durgawati



P.S. Case No. 394 of 2018, subject to the condition as laid down
under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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