

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16155 of 2019

Arising Out of PS. Case No.-156 Year-2018 Thana- TARIYANI CHOWK District- Sheohar *

Devbrat Kumar @ Devbrat Kuwar, Son of Uma Shankar Prasad Kuwar,
Resident of Village - Rajadih, Police Station - Tariyani, District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Singh, Adv. Mr. Suresh Kumar, Adv. Mr. Arbind Kumar, Adv.
For the State	:	Mr. Anil Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 323, 324, 341, 379 and 504 of the IPC.

The prosecution case, as per the fardbeyan of Chandrashekhar Kumar, recorded by A.S.I., Tariyani Police Station, on 24.09.2018 at Kumar Emergency Hospital & Trauma Center is to the effect that on 18.09.2018 at about 5.30 P.M., the informant and his brother were standing in front of their house, in the meantime, all the F.I.R. named accused persons including the petitioner came variously armed when co-accused Umashankar Prasad Kunwar assaulted the brother of the



informant with iron rod causing bleeding injury, whereas the petitioner and co-accused Lalita Devi assaulted the informant with iron rod causing cut injury on his head. It is further alleged that all the accused persons assaulted the informant and his brother with sword, iron rod and other weapons. It is further alleged that co-accused Lalita Devi snatched a gold chain and Rs. 21,000/- from the brother of the informant whereas co-accused Pinki Devi snatched a gold chain and Rs. 41,000/- from the informant.

It is submitted by learned counsel for the petitioner that accusation against the petitioner has been levelled in the background of land dispute. The petitioner is alleged to have assaulted the informant. Though, the informant has received seven injuries, but all the injuries have been found superficial simple in nature. Moreover, other co-accused persons have been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 13.02.2019, passed in Cr. Misc. No. 6451 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that for the alleged occurrence of 18.09.2018, the fardbeyan of the informant was recorded on 24.09.2018 and the F.I.R. was lodged on



02.10.2018.

Learned APP submits that the petitioner is named in the F.I.R. with specific accusation.

Considering the delayed recording of the fardbeyan of the informant, delayed lodging of the FIR and the fact that the injuries of the informant have been found superficial simple in nature and co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court, coupled with the 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/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, Sheohar in connection with Tariyani P.S. Case No. 156 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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