

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20551 of 2019

Arising Out of PS. Case No.-26 Year-2017 Thana- KATIHAR MUFFASIL District- Katihar

VIJAY SHARMA, Son of Jageshwar Sharma, Resident of Village - Teja Tola,
Azad Colony, P.S. - Katihar Sahayak, Distt- Katihar.

... ..
Petitioner/s

Versus

The State of Bihar

... ..
Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Chandra Sen Prasad 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, 307, 379 and 504/34 of the IPC.

The prosecution case, as per the written report of Prabhat Kumar Sharma submitted to the Station House Officer, Muffasil Police Station, Katihar is to the effect that on 16.01.2017 at about 06.30 P.M., the informant was returning to his house along with his friend, Ranjit Rai, in the meantime, four FIR named accused persons including the petitioner came variously armed with iron rod and cricket stump and started abusing the informant and his friend. On protest being made, all the accused persons including the petitioner started assaulting the informant



and his friend with iron rod and cricket stump. It is further alleged that in course of occurrence, the accused persons also took away cash Rs.5,000/- from the pocket of the informant and a gold chain from his neck.

It is submitted by the learned counsel for the petitioner that the accusation of assault is omnibus and general against the petitioner. The accusation of assault has been levelled against four accused persons including the petitioner, but only three injuries have been found on the body of the informant and there is no accusation of repeating the blow. It is further submitted that for the occurrence of 10.01.2017 at about 06.30 P.M., the FIR has been registered on 08.02.2017 at 05.00 P.M. Moreover, similarly situated co-accused, Utpal Ghosh has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 10.01.2019 passed in Cr. Misc. No. 78774 of 2018. 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 the learned APP for the State that the accusation of assault is against the petitioner and he is named in the FIR.

Considering the fact that the accusation is omnibus



and general in nature, delayed lodging of the FIR, similarly situated co-accused has been granted privilege of 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 **J.M. 1st Class, Katihar** in connection with **Katihar Muffasil P.S. Case No. 26 of 2017**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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