

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23906 of 2019

Arising Out of PS. Case No.-163 Year-2018 Thana- MADHUBAN District- East Champaran

RAJESH KUMAR @ RAJESH KUMAR KUSHWAHA @ RAJESH
PRASAD KUSHWAHA Son of Shankar Prasad Resident of Village -
Bhawarua, P.s.- Madhuban, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Surendra Kumar

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 17-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Madhuban P.S. Case No. 163 of 2018, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 324 of the Indian Penal Code.

Six named accused persons and 250 unknown miscreants are said to have surrounded the car of master of the informant under the leadership of co-accused Ajay Kumar and on protest made by his driver co-accused Dilip Kumar and Rajkumar pulled him out of the car and assaulted him and when Shekhar Kumar rushed in his rescue the mob also assaulted him. Witnesses in para 33 and 45 of the case diary have named the



petitioner and 19 other accused were assaulted the driver of the car who sustained sharp cut injury on his neck and right parietal bone.

It is submitted by the learned counsel for the petitioner that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to dirty village politics. He is not named in the F.I.R. As per witnesses' account in para 33 and 45 of the case diary, petitioner and 19 co-accused are said to have assaulted the driver of the car but victim has sustained only two injuries on his person and assailant of the said injury is not ascertained. Moreover, co-accused Chandan Kumar and Mahangu Bhagat who also happen to be assailants of the driver of the car and other co-accused persons have also been enlarged on bail by different co-ordinate Bench of this Court. Petitioner has no criminal antecedent.

Learned A.P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail in the event of his arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of



Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran in connection with Madhuban P.S. Case No.163 of 2018, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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