

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41627 of 2019

Arising Out of PS. Case No.-834 Year-2018 Thana- SITAMARHI District- Sitamarhi

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Kedar Yadav @ Kedar Singh, son of Ram Kailash Singh, At Present Resident of Village - Bhisra, P.S.- Dumra, District- Sitamarhi. Permanent Address - Resident of Village - Jababipur, Ward No. 14, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Sitamarhi P.S. Case No.834 of 2018, G.R. No.3705 of 2018, for the offence punishable under Sections 147, 148, 149, 341, 323, 342, 307, 333, 427, 356, 379, 353, 504 of the Indian Penal Code.

The allegation against the petitioner is that the informant who was posted as police constable on the date of occurrence along with his colleague were taking the suspect Babloo Kumar and this petitioner to police station and when they reached near Bhisra bridge, the accused Babloo Kumar jumped from motorcycle and started to cry ‘thief-thief’ upon



which 50-60 persons reached with Lathi danda etc. and started assaulting the informant and another police personnel and causing injury to them. It has further been alleged that villagers also snatched service revolver and mobiles of the informant and his colleagues.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed offence in the manner alleged inasmuch on the 'Halla' was raised by Bablu Kumar in the village, 50-60 persons assembled and assaulted the informant. There is no specific allegation of any assault upon the person of informant by this petitioner. Learned counsel further submits that said Bablu Kumar has been granted bail by this Court in Cr. Misc. No.16605 of 2019.

After having heard learned counsel for the petitioner as well as learned counsel appearing for the State and taking into consideration the fact that there is no specific allegation of assault upon the informant by the petitioner and further that 50-60 persons had assembled and had making assault upon the informant and further the fact that Bablu Kumar has been granted bail by this Court, I am inclined to grant anticipatory bail to this petitioner.

Accordingly, the petitioner is directed to surrender



before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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