

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65330 of 2019

Arising Out of PS. Case No.-170 Year-2019 Thana- KOILWAR District- Bhojpur

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ASHUTOSH RAY @ ASHUTOSH KUMAR Son of Santoshi Ray @ Santosh Rai @ Santosh Kumar Resident of Village - Narayanpur, P.S.- Koilwar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Dular Sah
For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-11-2019 The petitioner apprehends his arrest in connection with Koilwar P. S. Case No. 170 of 2019 registered under Sections 323,341,379,384,386 and 504/34 of the Indian Penal Code.

Allegation against the petitioner is that petitioner along with other accused persons arrived at the sweet shop of the informant and took some sweets and upon demand of money, the petitioner as well as other accused persons assaulted the informant by means of *Chhanauta*.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case and there is no specific allegation against the petitioner of assault upon the informant. Learned counsel, referring to Annexure-2 series, submits that injury caused to the informant has been found to be simple in nature. He submits that a counter case has also been lodged by co-accused Santosh Kumar



bearing Complaint Case No. 824(C)/2019.\

On the other hand, learned counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail and submits that petitioner along with other accused persons assaulted the informant and did not pay the bill of the materials consumed by them.

Having regard to the submissions made by the parties and taking into consideration the fact that there is case and counter case in between the parties and injury caused to the informant is simple in nature, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned CJM, Bhojpur at Ara in connection with Koilwar P.S. Case No. 170 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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