

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81796 of 2019

Arising Out of PS. Case No.-417 Year-2019 Thana- RAJIVNAGAR District- Patna

1. VIVEKANAND KUMAR Son of Shri Devendra Sav Resident of Village - Road No.19, Rajeev Nagar, Phulwari, P.S.- Rajeev nagar, Distt.- Patna- 800024, Bihar and permanent resident of Village - Dadhpi, P.O.- Bandeya, Rukndi, Jhikatia, Aurangabad, Bihar - 824129
2. Dayanand Kumar Son of Shri Devendra Sav Resident of Village - Road No.19, Rajeev Nagar, Phulwari, P.S.- Rajeev nagar, Distt.- Patna- 800024, Bihar and permanent resident of Village - Dadhpi, P.O.- Bandeya, Rukndi, Jhikatia, Aurangabad, Bihar - 824129

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Ravish, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 342, 323, 325, 307, 379, 504 and 506/34 of the Indian Penal Code.

It is alleged that three months' ago petitioner No.1, Vivekanand Kumar @ Gopi Jee gave an amount of Rs.10,000/- as loan to the informant for constructing the house, but somehow, the informant could not return the same. Subsequently, Rs.5000/- interest was demanded by the accused persons apart from the principal loan amount and on protest being made, on 17.08.2019, the petitioners assaulted the



informant.

It is submitted by learned counsel for the petitioners that in the background of some loan dispute, the accusation has been levelled against the petitioners. There is a counter version of the occurrence also, being Rajeev Nagar P.S. Case No.418 of 2019 lodged by Lalita Devi, the wife of petitioner No.2, namely, Dayanand Kumar, against the informant, levelling accusation under Sections 341, 342, 323, 325, 354, 376, 511, 504, 506, 509,34 of the I.P.C. It is further submitted that the impugned order also does not suggest that any injury report has been brought on record and the accusation of assault is omnibus and general.

It is submitted by learned APP for the State that the thrust of accusation is against the petitioners.

Considering the genesis of the occurrence, the fact that the impugned order does not suggest that the injury report has been brought on record to corroborate the accusation and there being a counter version of the occurrence, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned CJM, Patna, in connection with Rajeev Nagar P.S. Case No.417 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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