

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.132 of 2020

Arising Out of PS. Case No.-312 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

RAJKUMAR YADAV @ BABA, S/o Ashok Yadav, R/o village- Gangti, P.S.-
Habibpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 307, 504, 506, 379, 147 and 148 of the Indian Penal Code.

Prosecution case is that on the basis of written report of the informant Amit Sah. It has been stated that on 29.10.2019 he has gone to a fair the petitioner and others come into fair and started assaulting him. The informant protested then he was dragged towards Budhiya Pokhar and he was assaulted badly with blow of lathi, belt fists and slaps. They also took away the purse of informant containing cash amount of Rs. 5,000/- and Adhar Card, Pan Card etc. It has also been stated that when the accused person saw the vehicle of police patrolling then they all fled away. It has also been contended that the informant was seriously injured and he was not able to call the police. In the next morning the family members and others came searching for the informant and they found informant



unconscious. Then they took the informant for treatment before doctor Nirmal Kumar.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence and has falsely been implicated in this case. As per FIR alleged occurrence took place on 29.10.2019 but FIR was lodged on 01.11.2019 after three days delay. The injury report is simple in nature. It is mentioned that order sheet of the learned Sessions Judge in which there is no injury report in this case diary. There is no specific over act against the petitioner. The petitioner has got no criminal antecedent.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 312 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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