

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8366 of 2020**

Arising Out of PS. Case No.-31 Year-2019 Thana- MOTIPUR District- Muzaffarpur

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AMARNATH KUMAR @ AMARNATH SAH Son of Bhadai Sah Resident
of At- Daria Chhapra, Mohamadpur Balmi, P.S. - Motipur, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner apprehends arrest in connection with Motipur
Police Station (for brevity, *PS*) Case No 31 of 2019 instituted
for the offence punishable under Section(s) 147, 148, 323, 379,
504 of Indian Penal Code.

It is submitted by the petitioner's counsel that this is a
case of false implication. Allegation that upon being exhorted
by his father, petitioner has assaulted the informant with an iron
rod on his head is clearly not sustainable in view of the injury
report accompanying the first information report. He has also
placed on record the Emergency Patient Card showing that the
petitioner's mother and father on that day had been admitted in



Shri Krishna Medical College & Hospital, Uma Nagar, Muzaffarpur for treatment. It is submitted that in fact, the informant side had assaulted the petitioner's family and only to get over their implication in this case, they have prevailed over the police and got instituted a complaint case on 15.11.2018.

The learned APP for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate (West), Muzaffarpur in connection with Motipur PS Case No 31 of 2019 dated 19.01.2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the



petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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