

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4872 of 2020

Arising Out of PS. Case No.-138 Year-2019 Thana- KHODAWANDPUR District- Begusarai

SHYAM KUMAR S/o Ram Ratan Mahto Resident of Village- Sahiyar Burj,
Chak That, P.S.- Rosera, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-03-2020 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341,323,307,379 and 504/34 of the IPC.

The prosecution case as per the written report of Surendra Kumar submitted to the SHO, Khodawandpur Police Station is to the effect that on 7.7.2019 at 11.45 P.M. the informant was going to attend a marriage ceremony but as soon as he reached Sagi More, 8-10 miscreants surrounded and assaulted the pillion rider Phulen Kumar. Thereafter, co-accused Santosh Kumar assaulted the informant with butt of pistol and co-accused Sanjay Kumar snatched gold chain of the informant and co-accused Ashutosh Kumar took away Rupees Ten Thousand from the pocket of the informant.



It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR and his name sprang up in the confessional statement of Raghunath Verma. It is further submitted that there is omnibus and general accusation of assault. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the confessional statement of co-accused.

Considering the fact that there is no specific accusation of assault against the petitioner coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Manjhaul, Begusarai in connection with Khodawanpur P.S. Case No.138 of 2019 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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