

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84038 of 2019

Arising Out of PS. Case No.-97 Year-2019 Thana- ANGARGHAT District- Samastipur

PRABHANSHU KUMAR @ TRIPURARI JHA @ PRABHANSHU
SHEKHAR S/o Janardhan Jha R/o Mohalla- Ward No.- 06, Supaul, P.S.-
Angarghat, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 17-06-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Angarghat P.S. case No. 97/2019 registered under Section 341, 323, 324, 307, 34 of the IPC and u/s 25(1-b)/a/ 26/27/35 of the Arms Act.

The informant Shivam Kumar Pandey alleged that while he was watching the game of Kabaddi in Rewari Middle School field, Guddu Jha called him on his mobile and enquired about his whereabouts. The informant disclosed that he is watching Kabaddi in the field of Middle School, Rewari. After some time Guddu Jha, Prabhat Kumar Jha, Avinash Kumar and Tripurari Jha, the petitioner, came on two motor cycles having



armed with Lathi, Danda and other weapons. They began to abuse and assault the informant. Prabhat Kumar Jha took out pistol and assaulted him on his eye brow. He wanted to fire but the informant snatched his pistol and put him down on the ground. On alarm, many persons came and the accused persons fled away.

The learned counsel for the petitioner submits that in the FIR four persons, including the petitioner, are named and omnibus and general allegation of assault is made. The petitioner was not armed with any fire arm. The informant got three injuries out of two are pain. One injury is swelling on eye which is alleged to have been caused by Prabhat Kumar Jha. Prabhat Kumar Jha has already been granted anticipatory bail by a coordinate bench of this court in Cr. Misc. No. 994 of 2020. Avinash Kumar was petitioner No.2 in Cr. Misc. No. 994 of 2020 but his prayer for anticipatory bail has been withdrawn because he was arrested. The case of petitioner stands on the same footing.

Considering the facts aforesaid and nature of allegation made against the petitioner and the fact that no specific allegation of assault is made against the petitioner and Prabhat Kumar Jha, who is alleged to have assaulted the



informant with pistol, has already been granted anticipatory bail, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Dalsinghsarai, Samastipur in connection with Angarghat P.S. case No. 97/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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