

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1672 of 2020

Arising Out of PS. Case No.-662 Year-2017 Thana- KANKARBAG District- Patna

1. NITISH KUMAR @ NITISH YADAV, S/o Kailash Yadav, Permanent resident of Tiri, P.S.- Saurbajar Ward No.4, Saharsa, T Dhanchaya Presently residing at C/o Harendra Yadav, Maruti Nagar, Chirriyatand, P.S.- Kankarbagh, Distt- Patna.
2. Navneet Kumar @ Navneet Yadav S/o Awdhesh Yadav Permanent resident of Karhara, Ward No.-1, P.S.- Sarkara, Distt- Saharsa presently residing at C/o Harendra Yadav, Maruti Nagar, Chirriyatand, P.S.- Kankarbagh, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-02-2020 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, 323, 324, 504, 506, 379,34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Anuj Kumar submitted before the Station House Officer, Kankarbag Police Station is to the effect on 13.08.2017 at 7.30 P.M., the son of the informant Anjan Raj along with his friend Aman Singh was going on a motorcycle, but accidentally, due to rush on the road, the motorcycle touched the pumpkin



carried by the petitioner no.1, Nitish Kumar, whereupon, the petitioners started abusing and assaulting the informant's son and his friend. It is alleged that the accused persons snatched a mobile phone worth Rs.11000/- from the son of the informant.

It is submitted by learned counsel for the petitioners that in the background of petty dispute, the accusation has been levelled. Moreover, no grievous injury has been caused to any one. In fact, at earlier point of time, the petitioners' side lodged Kankarbagh P.S. Case No. 602 of 2017, levelling accusation under Sections 341, 323, 324, 506, 379/34 of the I.P.C. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioners in the FIR.

Considering the genesis of the occurrence and *prima facie* no grievous injury has been caused to any one 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 Judicial Magistrate 1st Class, Patna, in connection with Kankarbagh P.S. Case No.662 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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