

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6592 of 2020

Arising Out of PS. Case No.-355 Year-2019 Thana- GRIYAK District- Nalanda

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VINIT KUMAR Son of Jaynandan Singh @ Jaynandan Kumar Resident of
Village - Chhachhu Bigha, P.S.- Goriyak (Katrisarai), District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Md.Imteyaz Ahmad, Advocate
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam, App
For the informant	:	Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 08-04-2021 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 147, 149, 323, 341,
354(B), 379, 504, 506 of the Indian Penal Code and Section 27
of the Arms Act.

Informant has alleged that on 12.10.2019 at about
10:30 p.m., while he along with his family members were at his
house, all of a sudden, FIR named accused including the
petitioner started abusing outside his house and on protest, they
assaulted him by means of lathi and butt of gun and when wife
of the informant along with other family members came to save
him, then accused Vinit Kumar (petitioner) and Chhotu Kumar



lifted her in lap and took her inside a room and outraged her modesty. When informant's mother came to save her, accused Ram Nihori and Jainandan Singh did the same thing with her and when informant went to save them, the accused persons assaulted him by means of lathi - sticks causing injuries to him. In the meantime, accused Vivek Singh took out Rs.10,000/- from a box and Vinit Kumar (petitioner) snatched golden chain worth Rs.40,000/- from the mother of the informant and accused Chhotu Kumar snatched golden earring worth Rs.20,000/- from the informant's wife Chandani Devi. On hearing the noise, when the villagers came to save them, accused Jainandan Singh fired from his pistol, as a result of which, villagers fled away and thereafter accused persons took away all the articles giving threatening to set them on fire. The reason behind the occurrence is that the informant runs a betel shop and accused Jainandan Singh took betel and on demand of its cost, he threatened to face dire consequences and thereafter this occurrence took place.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has further been submitted that a concocted story has been cooked up by the informant to implicate him in this false case.



No incident took place, as made out in FIR. All other accused have been granted anticipatory bail by the lower court itself. No one has suffered any injury. All family members have been implicated. There is dispute with respect to passage and drainage between the parties. Petitioner has clean antecedent.

Learned counsel for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Giriyak (Katrisarai) P.S. Case No.355 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable



reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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