

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28355 of 2021

Arising Out of PS. Case No.-387 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

VISHWAJEET KUMAR @ BATTISH RAI @ BATTISH Son of Ramanand Rai Resident of Village- Dighi Kala East, Near Zonal Office Hajipur, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in Hajipur P.S. Case No. 387 of 2018 registered under Sections 147, 149, 341, 420, 406, 385, 379, 323, 307, 504 of the Indian Penal Code.

Prosecution case, in short is that some days ago, Vishwajeet Rai came at informant's shop and purchased a mobile worth Rs. 15,000/- and paid only Rs. 5000/- with assurance to pay the rest amount on credit, but when he did not pay. While the informant went to demand his due amount at his



door on 23-05-2018, he was abused and criminal force was also used. 5-6 persons near Block gate armed with deadly weapons are said to have brutally assaulted the informant on vital part of body and took some valuable belongings. The informant became unconscious and he was taken to PMCH, Patna for treatment.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. No specific allegation of assault is alleged against the petitioner. The specific allegation of assault is alleged against the co-accused Chandra Bhushan. The FIR has been lodged after four days of the alleged occurrence. The delay in instituting the FIR has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with



Hajipur P.S. Case No. 387 of 2018 subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

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