

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14998 of 2023

Arising Out of PS. Case No.-448 Year-2022 Thana- BARUN District- Aurangabad

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AMIT KUMAR @ AMIT KUMAR SINGH SON OF BIJENDRA
CHANDRABANSHI R/O VILL.- KANCHANPUR, P.S.- NARARI KALA
KHURD, DISTT.- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner is apprehending his arrest in connection
with Barun P.S. Case No. 448/ 2022 registered for the offence
punishable under Sections 457 and 380 of the Indian Penal Code
(for brevity 'IPC').

It is alleged that co-accused, namely, Binod Mehta and
petitioner have entered the house of the informant with the
intention of outraging the modesty of their women folk, and
theft. As per prosecution case, both have fled away and were not
apprehended at the spot and the informant has discovered that
Rs. 20,000/- was stolen.

It is submitted by the learned counsel for the petitioner



that the prosecution parties and accused persons are agnates and between them, there is subsisting family dispute for partition of the inherited assets in Partition Suit No. 261 of 2013. It is based on such civil dispute between the parties that the instant prosecution has been lodged, so as to coerce the petitioner into amicable resolution of the pending civil dispute. The petitioner has no criminal antecedents. In fact, co-accused, have also received some injuries, which have led to lodging of Barun P.S. Case No. 449 of 2022.

Learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that the petitioner is named accused.

Considering the rival submissions, the subsisting civil dispute between the parties, clean antecedents and the fact that the parties are relatives, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection



with Barun P.S. Case No. 448/2022, subject to the following conditions:

(i) That one of the bailors of each of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if they fail to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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