

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19323 of 2023

Arising Out of PS. Case No.-295 Year-2022 Thana- SAMASTIPUR District- Samastipur

Rajesh Kumar Son of Umesh Shah R/O Ward No.18, Magardahi Ghat,
Samastipur Town P.S., Samastipur-848101, Bihar. Petitioner.

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 307, 353, 333, 427 & 147 of the Indian Penal Code.

While the informant along with the police party was engaged to vacate the encroached land of Government near Tajpur Road, the vendors, who were engaged in the business after encroaching the road, assembled there and they started throwing brickbats and assaulted with bamboo sticks and iron rod to the informant and his staffs causing injury to them. Petitioner is said to be the members of the mob.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. As a matter of fact, the petitioner's brother has a shop near the place of occurrence



and when the informant went there to remove the encroachment, he was surrounded by the mob and was severely beaten. The petitioner was only a mute spectator and has no specific role in this occurrence. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Similarly situated co-accused, namely, Vijay Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 24.05.2023 passed in Cr. Misc. No. 16459 of 2023. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Samastipur Town P.S. Case No. 295 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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