

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43769 of 2023

Arising Out of PS. Case No.-500 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Chhotu Kumar S/O- Puran Das Mohalla- Gandhipath Ps- Saharsa Dist-
Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashokh Kumar, Advocate

For the Opposite Party : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Saharsa Sadar P.S. Case No. 500 of 2021 dated 26.06.2021, instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code.

3. As per the case of prosecution, on 25.06.2021-26.06.2021, at about 2:00 pm, the petitioner and the co-accused persons with 8-10 unknown miscreants came storming and carried away the informant's brother, namely, Kanhaiya Kumar and assaulted him with *lathi*, *danda* and iron rod and the injured was taken to the Sadar Hospital, where injured died during the course of treatment.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is submitted that there is case and counter-case between the parties. It is further submitted that co-accused Shankar Kumar filed a case bearing Saharsa P.S. Case No. 497 of 2021 for committing fault by the deceased. There is general and omnibus allegations against the petitioner. Further, it is submitted that similarly situated person, namely, ***Shankar Das @ Shankar Kumar Das*** has been granted bail *vide order dated 28.02.2023* passed in ***Cr. Misc. No. 1064 of 2021*** by a co-ordinate Bench of this Court. Lastly, it has been submitted that he has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Saharsa Sadar P.S. Case No. 500 of 2021, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa,



subject to condition as laid down under Section 438(2) of the
Cr.P.C.

(Khatim Reza, J)

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