

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47850 of 2022

Arising Out of PS. Case No.-310 Year-2021 Thana- MOUZA HIDPUR District- Bhagalpur

SHIVRAJ KUMAR @ SHIVRAJ S/o Shankar Prasad Modi Resident of
Mohalla- Kutubganj, Police Station- Babarganj, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Mojahidpur P.S. Case No. 310 of 2021 for the offence registered under Sections 447, 341, 323, 427, 354, 504 and 34 of the Indian Penal Code.

As per the prosecution story, allegation is that the accused persons attacked the informant's family member broke the windowpane of her car, the plants were uprooted and they also tried to kidnap her son and in the process also assaulted. However, the locals assembled whereafter all of them were saved. So far as the petitioner is concerned, allegation is that he was encouraging the accused persons to attack the informant and her family members.

Learned counsel for the petitioner submits that only to



incorporate him in the list of accused, a role has been assigned to him that he was encouraging the accused persons. He further submits that he do not have criminal antecedent and is ready to co-operate in the investigation.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the fact that the role of attacker is on others, the petitioner is said to have encouraged the accused persons, he do not have criminal antecedent and is ready to co-operate in the investigation, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur P.S. Case No. 310 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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