

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28902 of 2024

Arising Out of PS. Case No.-189 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

Chhotu Kumar, Son Of Upendra @ Ranjan Kumar @ Upendra Rajbanshi,
Resident Of Village - Jagjivanpur, Singhaul, P.S. - Neemchak Bathani,
District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-07-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Neemchak Bathani P.S. Case No. 189 of 2022, registered
for the offences punishable under Sections 394 and 411 of the
Indian Penal Code.

3. Based upon a written report, the prosecution alleges
that all the FIR name accused persons including the petitioner
by reserving the tempo of the informant were going to village
Singhaul from Rajgir. In the mean while in the way the
petitioner and one another person started assaulting the
informant and snatched rupees five thousand and a mobile as



well as his golden pendant.

4. Learned Advocate appearing on behalf of the petitioner submits that from the FIR it appears that the informant and the accused persons are known to each other. Moreover, on account of a dispute of fare, an altercation took place, resulting into scuffle between the parties, leading to lodging of the FIR only in order to wreck vengeance and put pressure upon the petitioner. Referring to the FIR, learned Advocate for the petitioner further contended that even as per the FIR, there is no specific allegation against the petitioner. Moreover, the mobile of the informant was recovered from co-accused Priyanshu Kumar. Other co-accused persons having identical allegation have been allowed the privilege of anticipatory bail in Criminal Misc. No. 48331 of 2023, the copy of which is marked as Annexure 2 to the bail application. The petitioner bears no criminal antecedent.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioner alongwith other co-accused persons have brutally assaulted and looted the valuables.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation and the fact that there is no injury report suggesting that the informant has sustained any injury, moreover the looted mobile has been recovered from co-accused person coupled with the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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, Gaya in connection with Nimchak Bathani P.S. Case No. 189 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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