

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29167 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- BELHAR District- Banka

Niwas Kumar @ Niwash Kumar Yadav S/o Indradeo Yadav Resident of
village Fulhara, PS Belhar, Dist Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 18-09-2024 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Belhar Police Station Case No. 350 of 2023, dated
10.08.2023, disclosing offences under Sections
147/149/323/307/379/354(A)/504/506 of the Indian Penal
Code.
3. The prosecution case, as per the First Information Report,
is that on 09.08.2023, in the evening, while the
informant's brother was returning home after attending
nature's call, the petitioner, along with co-accused person,
intercepted and assaulted him by means of lathi and iron
rod due to which he became unconscious. When the
mother of the informant came at rescue the petitioner and



other co-accused person misbehaved with her, assaulted her and snatched silver chain.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to ulterior motive. The allegation against the petitioner is general and omnibus in nature inasmuch as no specific allegation has been alleged against him. He next submits that for the occurrence taken place on the same date and time First Information Report, bearing Belhar Police Station Case No. 349 of 2023, has been lodged by the side of the petitioner against the informant and others, which is prior in time. He further submits that co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. 33304 of 2024. The petitioner is not having any criminal antecedent.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is not having any criminal antecedent, case and counter case is there and the co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Belhar Police Station Case No. 350 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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