

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29997 of 2014

Arising Out of PS.Case No. -57 Year- 2013 Thana -NAYAGAON District- SARAN

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Baidhnath Rai @ Baij Nath Rai, Son of Late Nageshwar Rai, Resident of Village and P.O.- Nayagaon, P.S.- Nayagaon, District- Saran at Chapra (Bihar).

The State of Bihar

Versus

.... Petitioner/s

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Ram Chandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-01-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner, apprehending his arrest in connection with Nayagaon Police Station Case No. 57 of 2013 registered for the offences punishable under Sections 341, 323, 427, 379, 353, 307, 504/34 of the Indian Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, B.P.L. Coupon was being distributed and thereafter the informant was returning with balance coupon, which was demanded by the petitioner being Mukhiya and on refusal forcibly took away B.P.L. Coupon and then did not allow the informant to distribute the same and distributed the same himself. Thereafter assaulted the informant and further snatched document

and cash and torn the B.P.L. List of village Makra.

Submission is that there is no injury report so no offence under Section 307 I.P.C. is made out. The petitioner has not obstructed in any way in discharging duty and as alleged the informant was distributing the coupon, there was some exchange of hot words and the informant taking the advantage of his position being Panchayat Rojgar Sewak lodged this false case only with a view to tarnish the image of the petitioner. The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that there is no injury report and the petitioner is Mukhiya, and as such, the petitioner, in case of his arrest or surrender within two months from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Nayagaon Police Station Case No. 57 of 2013, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Jitendra Mohan Sharma, J)

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