

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50592 of 2015

Arising Out of PS.Case No. -401 Year- 2014 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

1. Nawal Bhagat

2. Jimdar Bhagat

Both are sons of Ram Babu Bhagat, resident of village - Chechar, P.S. - Bidhupur, District - Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 05-11-2015

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Bidupur P.S. Case No. 401 of 2014 registered under Sections 147, 341, 323, 448, 384, 380, 452, 354, 307, 504 of the Indian Penal Code and 27 of the Arms Act.

It is contended that earlier a proceeding 107 of the Code of Criminal Procedure was initiated between both the parties. The informant being dissatisfied with the said proceeding lodged a complaint case which was referred to the

police under Section 156(3) of the Code of Criminal Procedure for investigation pursuant to which the FIR was registered on the basis of false and concocted allegation. The further contention is that the informant any how succeeded to obtain medical report issued by a private doctor but the same falsify the prosecution case. It suggests that the injuries are simple in nature.

Learned counsel for the State has submitted that though the injuries are simple in nature, the case has been lodged under Section 307 of the Indian Penal Code. Hence, the petitioners are not entitled to be released on bail under Section 438 Cr. P.C.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 401 of 2014 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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