

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29908 of 2014

Arising Out of PS.Case No. -24 Year- 2014 Thana -SARMERA District- NALANDA
(BIHARSHARIFF)

=====

Kundan Kumar, Son of Binod Prasad, resident of village-Chhoti Malawan,
P.S. Sarmera, District Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh, Adv.

For the Opposite Party/s : Mr. Gulnar Begum, A.P.P.

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 Sarmera P.S. Case No. 24 of 2014 registered for the offences
punishable under Sections 342, 323, 308/34 of the Indian Penal
Code, seeks the privilege of pre-arrest bail.

Allegedly, the petitioner and other F.I.R. named accused
persons, variously armed with weapons, surrounded the informant
and started making firing as also assaulted him, due to which, the
informant fell down and became unconscious.

It is submitted that there was no intervening
circumstance. There was no intention to commit murder. As a
matter of fact, the informant was in the position of extreme

drinking of liquor and he was abusing the villagers and set domestic articles of the petitioner on fire, for which, a scuffle took place, in which, he received some injury but the petitioner has never assaulted him in the way, as alleged.

The learned A.P.P. does not oppose the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering the entirety of the case, 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, Bihar Sharif in connection with Sarmera P.S. Case No. 24 of 2014, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Jitendra Mohan Sharma, J.)

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