

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7138 of 2015

Arising Out of PS.Case No. -261 Year- 2014 Thana -BAJPATTI District- SITAMARHI

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1. Ajay Kumar Mishra @ Ajay Mishra son of Late Rajendra Mishra R/o
Village- Bahuain, P.S.- Bajpatti, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

7 26-08-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

By way of filing an application under section 438 of
the Code of Criminal Procedure, the petitioner seeks anticipatory
bail in connection with Bajpatti P.S. Case No. 261 of 2014
registered for the offences punishable under sections 341, 323,
324, 406, 307 and 506 of the Indian Penal Code.

It is contended that in view of the allegations made
in the FIR no offence under section 406 of the Indian Penal Code
would be made out. The ingredient of the offence under section
307 of the Indian Penal Code is also missing as there is no
allegation that the petitioner intended to kill the informant of the
case. It would further appear from the averments made in the
written report that the informant had sustained a simple and

superficial injury.

Learned counsel for the petitioner submits that the petitioner has got roots in the society and he shall fully cooperate with the investigation of the case. It is also contended that there is no likelihood that the petitioner would abscond or tamper with the evidence if released on bail.

Learned counsel for the State has opposed the prayer for bail.

Regard being had to the nature of the offence and the defence taken by the petitioner, in the event of arrest or surrender before the court below within six weeks from today, the petitioner Ajay Kumar Mishra @ Ajay Mishra is 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 Sub Divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Bajpatti P.S. Case No. 261 of 2014, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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