

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23458 of 2015

Arising Out of PS.Case No. -141 Year- 2014 Thana -PIRBAHOR District- PATNA
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1. Bikki Kumar
2. Banti Kumar Both Sons of Sri Vijay Gupta @ Vinay Kumar Gupta
Resident of Mohalla - Bakarganj, Bajaja Gali, Police Station - Pirbahore,
Distt. - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Kalyan Shankar(App)
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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-09-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case
instituted under Section 307 and other allied Sections of the
Indian Penal Code.

The petitioners allegedly caused injury to the informant
with Chaku and rod. The informant received treatment at
P.M.C.H., Patna.

It has been submitted on behalf of the petitioners that
the petitioners have been falsely implicated in the present case.
From perusal of the order of the learned Sessions Judge it appears
that anticipatory bail application was filed by the petitioner on
12.03.2014 and the police sent case diary without injury report.

Again injury report was called for by the Court of Sessions but in spite of that no injury report was produced on behalf of prosecution to substantiate the allegation made in the FIR. Hence in absence of injury report no offence u/s 307 can be proved against the petitioner.

On behalf of the State, it is submitted that from perusal of the case diary it appears that there is no injury report.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of 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 the learned J.M., 1st Class, Patna in connection with Pirbahore P.S.Case No. 141/2014, G.R.No.2658/2014, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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