

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8229 of 2016

Arising Out of PS.Case No. -228 Year- 2015 Thana -RAJIVNAGAR District- PATNA

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Rahul Kumar, Son of Sri Sukh Nandan Pathak, resident of Mohalla - Rajiv Nagar, Road No. 18, P.S. Rajiv Nagar, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-02-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Rajiv Nagar P.S. Case No. 228/15 for offences alleged under

Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,

is that on 25.08.2015 at 6.00 P.M. when he went to return the

broken chair given by the owner of Priti Steel the son of the owner

of the shop and the son of the owner of the adjoining egg and fish

shop wearing ear-ring and long hairs started abusing him and with

the help of other boys started assaulting him, his mother and five

years old nephew. Informant was a kidney patient and two times

kidney transplantation had already been done to him. The

shopkeeper was known to the said fact and therefore with intention to kill, he assaulted him on his stomach and place of kidney transplantation. Shopkeeper also snatched Rs. 5,000/- from his pocket and 20 gms of gold chain from his mother's neck after assaulting them.

It has been submitted by the learned counsel for the petitioner that a counter version has also been filed by the petitioner against the informant i.e. Rajiv Nagar P.S. Case No. 229/15 about the same occurrence on the same day. It has further been submitted that no case for offence punishable under Sections 307, 379 of the Indian Penal Code is made out against this petitioner and the petitioner and informant, being neighbours, have since compromised, which finds place at Annexure-3 to this petition.

Learned APP for the State, however, submits that the petitioner is named in the First Information Report and opposes the prayer for bail.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned

Judicial Magistrate 1st Class, Patna, in connection with Rajiv
Nagar P.S. Case No. 228/15, subject to the conditions as laid down
under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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