

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46260 of 2015

Arising Out of PS.Case No. -395 Year- 2013 Thana -DIHRINAGAR District- SASARAM
(ROHTAS)

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Baban Singh, son of Ram Lakhan Singh, resident of village - Teri
(Pokhrahan), P.S.-Barun, District-Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Singh

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 12-01-2016

Heard learned Counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection
with Dehri (T) P.S. Case No. 395 of 2013 for offences alleged
under Sections 341, 323, 325, 307/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
though the allegation is against the petitioner of having beaten up
the victim boy, namely, Golu Kumar, the injury report does not
indicate any external injury. He submits that the boy was of a
weak constitution. He further submits that if at all the allegations
are to be believed, the petitioner had only beaten up the boy for
not working on the truck during his duty hours and there was no
intention to kill the victim boy. Learned counsel for the petitioner
further submits that the petitioner has no criminal antecedent and,

therefore, he may be extended the privilege of Anticipatory Bail.

Learned counsel appearing on behalf of the State, however, submits that there is material in the case diary specially the statement that the petitioner had beaten up the boy and had left him near the house of the truck owner.

Considering the fact that the petitioner has not intentionally beaten up the boy with the intent to kill him and he has only been beaten up for non performance of duties and that there is a contradiction in the injury report appended to the case diary and also that the petitioner has no criminal antecedent, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of 4 weeks from the date of receipt/production of copy of this order, be released on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Sasaram (Rohtas) in connection with Dehri (T) P.S. Case No. 395 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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