

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28840 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -KASIMBAZAR District- MUNGER

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Md. Prince @ Md. Junaid Makhmoor son of Md. Rajan @ Saiyad Md. Maskur Alam, resident of Mohalla - Belan Bazar (Near Masjid), Police Station - Kashim Bazar, District - Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Kashim Bazar P.S. Case No. 72 of 2016 registered under Sections 341, 323, 307 and 504/34 of the Indian Penal Code.

It is contended that apart from the offence alleged under Section 307 of the Indian Penal Code all other sections are bailable in nature. The informant had sustained only simple and superficial injuries and the manner of offence as alleged in the FIR and the injury report as contained in annexure 2 to the present application would indicate that there was no intention to kill the informant of the case. At best, the alleged offence would attract

the ingredients of sections 323 and 324 of the Indian Penal Code.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. He has submitted that intention to kill can be inferred from various circumstances for which injury is not only the relevant consideration.

Be that as it may, regard being had to the facts and circumstance of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioner, namely, Md. Prince @ Md. Junaid Makhmoor is directed to 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 Chief Judicial Magistrate, Munger in connection with Kashim Bazar P.S.Case No.72 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Md.S./-

(Ashwani Kumar Singh, J)

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