

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34895 of 2016

Arising Out of PS.Case No. -206 Year- 2016 Thana -FATUHA District- PATNA

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Upendra Singh Son of Late Ramji Singh resident of Village- Supanchak,
P.S.- Fatuha, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mukteshwar Dayal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-08-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Fatuha P.S. Case No. 206/16 for offences alleged under Sections
341, 323, 307, 504/34 of the Indian Penal Code and under Section
27 of the Arms Act.

Allegation is that petitioner assaulted the
informant with *lathi* on his head, on which he sustained injury.

It has been submitted by the learned counsel
for the petitioner that he is innocent and has falsely been
implicated in the aforesaid case. He submits that the allegation
upon the petitioner is of hitting the informant on his head by *lathi*
and the injury report has opined the injury to be simple in nature.
He further submits that the two of the co-accused have already

been granted the privilege of anticipatory bail by the learned court below itself and both sides were inimical to each other as petitioner side has lodged First Information Report being Fatuha P.S. Case No. 102/16 against the informant and others. It has further been submitted that the petitioner has no criminal antecedent, as is evident from paragraph 3 of this petition and that Section 307 I.P.C. is not made out against him.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there is case and counter-case and the injury has been found to be simple in nature, 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 Sri Dharmendra Kumar, learned Judicial Magistrate, Patna City, Patna, in connection with Fatuha P.S. Case No. 206/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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