

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2128 of 2016

Arising Out of PS.Case No. -143 Year- 2014 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Birbal Rai son of Kapildeo Rai
 2. Rajesh Rai son of Kapildeo Rai
- Both are residents of Village- Bhaserwa, P.S.- Ghorasahan, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 18-01-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Ghorasahan P. S. Case No. 143 of 2014 registered under
Sections 341, 323, 324, 325, 307, 504/34 of the Indian Penal
Code.

It is contended that all the offences apart from Section
307 of the Indian Penal Code are bailable in nature. It is further
contended that Section 307 of the Indian Penal Code is not
attracted as there is no allegation of repetition of any blow and
the informant or anyone else has not sustained any injuries. The
real fact is that the present case has been instituted in retaliation

to Ghorasahan P. S. Case No. 144 of 2014 registered on the same day on the basis of statement given by co-accused Pramod Prasad Yadav *inter alia* under Section 307 of the Indian Penal Code.

Regard being had to the submissions made by the learned counsel for the petitioners as also the fact that the Sessions Court has clearly held in the impugned order that there is no injury report in the case-diary, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahna at Dhaka, East Champaran in Ghorasahan P. S. Case No. 143 of 2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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