

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39107 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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Gopal Sah S/o Late Ramashish Sah resident of Village- Thothra, P.S.-
Rajepur, Dist- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-09-2016 Heard Sri Sangeet Deokuliar, learned counsel for the
petitioner and learned Additional Public Prosecutor.

The sole petitioner, apprehending his arrest in Rajepur
P.S. Case No. 46 of 2016 , registered for the offence under Section
341, 323, 324, 307, 379, 504/ 34 of the Indian Penal Code, has
prayed for grant of bail in the event of arrest or surrender.

By way of referring to F.I.R. it was submitted by
learned counsel for the petitioner that informant and petitioner are
full brother, which is evident from the name of their parentage
given in the F.I.R. He submits that even though petitioner is full
brother of the informant, in the F.I.R. he has described the
petitioner as co -villager. He further submits that in trivial
dispute color of seriousness of offence has been given. He

submits that injuries which were found on the person of the informant are not sufficient to attract the provision under Section 307 of the Indian Penal Code or within Section 324 of the Indian Penal Code. So far Section 379 of the Indian Penal Code is concerned he submits that the allegation appears to be exaggeration and this was the reason that it was alleged that petitioner in the occurrence had taken forcibly Rs. 2000/- from his pocket.

Keeping in view the fact that petitioner and informant as stated are full brother and the nature of accusation, in the event of arrest or surrender within a period of six weeks from today, let the petitioner Gopal Sah be enlarged 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, Sadar, Motihari, East Champaran/ concerned court in connection with Rajepur P.S. Case No. 46 of 2016 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure .

(Rakesh Kumar, J)

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