

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27207 of 2016

Arising Out of PS.Case No. -149 Year- 2012 Thana -KATIHAR District- KATIHAR

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Amrit, S/o Arun Mandal, Resident of Mohalla-Near Nahar of Hanuman
Mandir, P.S.- Katihar, District-Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-07-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in
connection with Katihar (Town) P.S. Case No.149 of 2012 for the
offences instituted under Sections 147, 148, 149, 323, 307 and 504
of the Indian Penal Code.

The prosecution case, in brief, is that on 01.03.2012
at 10:00 P.M. while the informant Sanjay Kumar Sinha along with
his friend Niraj Kumar was taking breakfast in a restaurant at
Durgasthan Chwok all the accused persons including the petitioner
came there and started abusing them. On protest, all the accused
persons started assaulting them with lathi, danda and iron rods and
at the same moments co-accused Mukhiya with intend to kill gave
iron rod blow on the head of his friend Niraj Kumar, who

sustained head injury and fell down. The informant with the help of local people took his injured friend Niraj Kumar to Sadar Hospital Katihar, where from he was referred to KMCH, Katihar.

It is submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. No specific overt act has been alleged against the petitioner. From perusal of the injury report, it appears that the nature of injury is simple. The injury report of the other namely Niraj do no indicate whether the nature of injury is simple or grievous. The allegation of assault is made against co-accused namely Mukhiya.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Katihar, in connection with Katihar (Town) P.S. Case No.149 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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