

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41056 of 2016

Arising Out of PS.Case No. -872 Year- 2014 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Dablu Kumar son of Jhimi Lal Rai, resident of Minapur, P.S.- Sadar
(Hajipur), District- Vaishali. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul , Advocate

Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Sri Manoj Kumar – 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 27-09-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of (Hajipur) Town P.S. Case No. 872 of 2014, disclosing offences under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that though there is allegation against the petitioner of assaulting the informant with sword but the injury has been found to be superficial in nature as would be evident from the injury report, though such opinion is not there by the Doctor. He has also submitted that the informant and the accused persons have resolved their disputes for the purpose of maintaining good future relationship and no purpose would be served if the petitioner is taken into custody in that circumstance. He has placed reliance on

a Supreme Court decision in case of **Narinder Singh and Others v State of Punjab and Another** reported in **2014(6) SCC 466** where the Supreme Court has not ruled out possibility of accusation under Section 307 of the Indian Penal Code on the basis of compromise between the parties.

Considering the submissions as above, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with (Hajipur) Town P.S. Case No. 872 of 2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-c

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