

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2148 of 2016

Arising Out of PS.Case No. -190 Year- 2015 Thana -BRAHMPUR District- BUXAR

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1. Ganesh Tiwary S/o Late Madan Tiwary
 2. Abhay Kumar Tiwary @ Abhay Tiwary S/o Ganesh Tiwary.
Both resident of Village- Chhotki Nainijor, P.S.- Nanijor, District Buxar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate

For the Opposite Party/s : Mr. U.S.P.Singh, 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
Brahmpur (Nainijor) P. S. Case No. 190 of 2015 registered
under Sections 147, 148, 149, 341, 323, 427, 307, 353 and 506
of the Indian Penal Code.

It is contended that save and except Sections 307 and
353 of the Indian Penal Code, all other sections are bailable and
compoundable in nature. The allegations made in the FIR would
make it evident that the ingredients of offence punishable under
Sections 307 and 353 of the Indian Penal Code would not be
attracted in the present case. It is further contended that the

parties being neighbours have settled the dispute outside the Court and filed a compromise petition before the Court of Chief Judicial Magistrate.

On the other hand, learned counsel for the State has contended that there is allegation that accused persons, including the petitioners apprehended the informant of the case and assaulted him causing serious injuries.

In reply, learned counsel for the petitioners has submitted that the injuries are simple and superficial in nature.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above, who are said to be men of clean antecedent, 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 Chief Judicial Magistrate, Buxar in Brahmpur (Nainijor) P. S. Case No. 190 of 2015, 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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