

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20961 of 2016

Arising Out of PS.Case No. -167 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

=====

Md. Imran, Son of Sakur Miya, Resident of Mohalla- Miscot, P.S. Town-
Motihari, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s :

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 23-05-2016

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

Despite repeated calls, none appears on behalf of the
State.

The petitioner seeks pre-arrest bail in connection with
Motihari (Town) P.S. Case No. 167 of 2016, registered under
Sections 307/324/379 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that even if the entire allegations made in the F.I.R. are
taken to be true in their entirety, the ingredients of the offence
punishable under Section 307 of the Indian Penal Code would not
be attracted. He has further submitted that at best an offence
punishable under Section 324 of the Indian Penal Code would be
attracted in the present case, as the Doctor, who examined the

victim, found all injuries simple and superficial in nature. He has further submitted that the petitioner has no criminal antecedent and out of enmity existing from before, the petitioner has been implicated in the present case.

On the other hand, learned counsel for the informant has vehemently opposed the application preferred by the petitioner. She has submitted that the petitioner has repeatedly assaulted the informant and it was sheer luck of the informant that he did not sustain any grievous injury.

Be that as it may, regard being had to the nature of allegation, in the event of arrest or surrender in the court below within six weeks from today, the petitioner, Md. Imran, is 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 the learned Chief Judicial Magistrate, Motihari, in connection with the Motihari (Town) P.S. Case No. 167 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

kunal/-

U		T	
---	--	---	--