

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28845 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -SHIWAPATHI District- MUZAFFARPUR

1. Rakesh Kumar Jha
2. Akhilesh Kumar Jha
3. Nitesh Kumar Jha,
All sons of Kamleshwar Jha, resident of village- Sheetalpatti, P.S-
Siwaipatti, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-07-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Siwaipatti P.S. Case No.23 of 2016 registered under Sections 341,
323, 307, 504, 447 and 379/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners
that the ingredients of the offence punishable under Section 307 of
the Indian Penal Code would not be attracted in the present case as
the injuries found on the person of the informant were all simple
and superficial in nature. He has further submitted that the
allegation of theft is nothing but an attempt to make the offence

serious in nature.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners. He has submitted that the injury caused to a person is not the only consideration for attracting the offence under Section 307 of the Penal Code.

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 petitioners, namely, Rakesh Kumar Jha, Akhilesh Kumar Jha and Nitesh Kumar Jha are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge-IV-cum-A.C.J.M., Muzaffarpur in connection with Siwaipatti P.S. Case No.23 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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