

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12418 of 2017

Arising Out of PS.Case No. -97 Year- 2016 Thana -GANGABRIDGE District-
VAISHALI(HAJIPUR)

- =====
1. Vivek Kumar, Son of Ramanand Rai,
 2. Dharmendra Kumar
 3. Jitendra Kumar, Both Sons of Naresh Rai, All Resident of Village-
Sahdullahpur, P.S.- Ganga Bridge, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar
- Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar, Advocate

For the Opposite Party : Smt. Nirmala Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-03-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection with Ganga Bridge P.S. Case No. 97 of 2016, registered for the offences punishable under Sections 147, 148, 149, 323, 324, 379, 427, 307, and 504 of the Indian Penal Code.

Allegedly, the petitioners and other co-accused named in the F.I.R. were cutting banana fruit stealthily and when the informant protested, they started abusing and further Shivjee Rai gave order to kill him and then Vivek Kumar the petitioner no.1 assaulted with sickle causing cut injury on his head and when the informant fell down then the petitioner nos. 2 and 3 assaulted him with iron rod, Manoj Rai took away motorcycle which is standing in the name of Priyanka, the sister of the informant.

Submission is of false implication and that no injury



has been found on the person of the informant caused by sharp cut weapon, two injuries have been found on the person of the informant which are simple in nature, there was no intention to commit murder which is apparent from injury report, due to land dispute the said occurrence has taken place, there is case and counter case and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that two injuries have been found on the person of the informant which are all simple in nature caused by hard and blunt substance and, as such, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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 Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Ganga Bridge P.S. Case No. 97 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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