

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31856 of 2017

Arising Out of PS.Case No. -239 Year- 2014 Thana -MADHUBANI TOWN District-
MADHUBANI

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Nirbhay Kant Jha Son of Late Sobha Kant Jha, Resident of Village- Sapta,
P.S.- Rahika, District- Madhubani. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Dr. Indivar Kumari

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 23-08-2017 Supplementary affidavit has been filed on behalf of the
petitioner. Let it be taken on record.

Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner seeks pre-arrest bail in connection with
Madhubani Town P.S. Case No. 239 of 2014 registered for the
offences punishable under Sections 147, 148, 149, 341, 323, 324,
307, 379, 387, 427 and 504 of the Indian Penal Code again as
earlier his prayer of pre-arrest bail was dismissed as withdrawn as
the allegation against the petitioner was not found true during
investigation and as such considering that there is no
apprehension, at present, the petition was withdrawn.

It is submitted that after submission of final form the
learned C.J.M. after differing with the opinion of the Police has



taken cognizance and as such now there is apprehension of arrest. It is also submitted that the injury received by the informant are of simple and superficial in nature and as such the petitioner deserves sympathetic consideration as land dispute is going on between the parties.

Learned APP fairly submits that after completing investigation the petitioner has not been sent up for trial vide annexure-8.

In the facts and circumstances stated above, the petitioner above named, in case of his arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Madhubani Town P.S. Case No. 239 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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