

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41703 of 2017

Arising Out of PS.Case No. -121 Year- 2017 Thana -BAUSI District- PURNIA

- =====
1. Md. Samshid @ Md.Samsid @ Md.Samsir son of Late Idrish
 2. Naushad Alam @ Md. Naushad son of Late Idrish

All are residents of village - Baisa Tola, P.S. - Baisi, District -
Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the State : Smt. Anusuiya Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the informant.

The petitioners seek pre-arrest bail in connection with
Baisi P.S. Case No.121 of 2017 registered under Sections 341,
323, 324, 307 and 504/34 of the Indian Penal Code (for short 'the
IPC').

It is Submitted by the learned counsel petitioners that all
the offences alleged in the first information report except Section
307 of the IPC are bailable in nature. So far as Section 307 of the
IPC is concerned, in view of the fact that the injured Guddu and
Ayesha Khatoon had sustained simple and superficial injuries on
their person, the ingredients of the offence are not attracted. He
has contended that the petitioners have got roots in the society and



they have not been made accused in any criminal case.

Learned counsel for the informant has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. He has submitted that there is specific allegation that the petitioners have assaulted the aforesaid persons with a piece of bamboo and they have sustained injuries on their person. He has contended that for the offence under Section 307 of the IPC nature of injury is not important and there is allegation that the petitioners intended to kill the injured persons.

Considering the submissions made on behalf of the parties, in the facts and circumstances of the case, the petitioners named above 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 Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No.121 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks.

(Ashwani Kumar Singh, J)

Md.S./-

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