

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39755 of 2016

Arising Out of PS.Case No. -63 Year- 2016 Thana -BARGANIA District- SITAMARHI

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1. Sukhari Baitha S/O Late Rajendra Baitha Resident of Village- Jamua
Punarwas Ward No 15 P.S. Bairganja District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 30-01-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Bargania Police Station Case No. 63 of 2016, disclosing
offences under Sections 341, 323, 324, 337, 307, 379, 506/34 of
the Indian Penal Code.

Accusation is of assault with Kudal and lathi.

Learned Counsel for the petitioner has submitted
that by way of a case bearing S.C./S.T. P.S. Sitamarhi Case No.
44 of 2016, both the parties are in litigating terms and in
consequence thereof, Bairganja P.S. Case No. 63 of 2016 has
been lodged by the informant. In fact, in earlier case, the parties
have settled their dispute by way of compromise. So far present



case is concerned, though there is allegation of attempt to murder by leveling Section 307 IPC, but according to the Doctor, the injury sustained by the wife of the informant is simple in nature caused by a hard and blunt substance, therefore, there is no sufficient ingredients to make out a case under Section 307 of the I.P.C. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Bairgania Police Station Case No. 63 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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