

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41911 of 2017

Arising Out of PS.Case No. -126 Year- 2017 Thana -KATEYA District- GOPALGANJ

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Krishna Mishra, S/o Nagendra Mishra, R/o Village Semaria, P.S.- Kateya,
District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-09-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Kateya P.S.Case No. 126 of 2017 registered under Sections
147, 148, 149, 341, 323, 307, 452, 427, 504 and 379 of the Indian
Penal Code.

It is submitted by the learned counsel for the
petitioner that no occurrence as alleged in the FIR ever took place.
He has submitted that actual fact is that when the petitioner was
going to his Bathan on 16.05.2017 at 9.00 a.m. from his house and
when he reached near the hhouse of Sipahi Mishra @ Satish
Mishra, Sandip Patel, Sipahi Mishra, Puran Patel, Dipak Patel and
Sachin Patel surrounded him and Sipahi Mishra caught hold and
Sandip Patel gave a knife blow which hit him on his chest.



Thereafter, the villagers took him to Referral Hospital, Kateya where after treatment the doctor referred him to Gorakhpur for better treatment and he was undergoing treatment in Hope Hospital. It is submitted that the present FIR has been instituted only in retaliation to the aforesaid Kateya P.S.Case No. 123 of 2017 to save the skin of Sandip Patel, who is son of the informant.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner.

Regard being had to the facts and circumstances of the case, in the event of arrest of surrender before the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XV, Gopalganj in connection with Kateya P.S.Case No. 126 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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