

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44494 of 2017

Arising Out of PS.Case No. -177 Year- 2016 Thana -BAIKUNTHPUR District- GOPALGANJ

- =====
1. Sanjay Kumar Prasad @ Sanjay Prasad, son of Kishori Prasad.
 2. Ajit Kumar, Son of Ram Pravesh Prasad
- Both are Resident of Village- Sajeen Bamo P.S. Baikunthpur, District Gopalganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Jeetendra Narayan, Advocate

For the Opposite Party : Mr. Awadhesh Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 03-10-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Baikunthpur P.S. Case No. 177 of 2016, registered for the offences punishable under Sections 341, 323, 307, 325, 379, 504/34 of the Indian Penal Code.

The allegation against the petitioner no.1 is that he assaulted with halsa on the head of the informant causing rapture of the head whereas the allegation against the petitioner no.2 is that he and Kishori Prasad assaulted the informant with iron rod causing fracture of left leg.

Submission is of false implication and that there is land dispute between the parties. The injury found on the person of the informant is simple in nature caused by hard and blunt



substance. The other allegation as alleged under Section 379 of the I.P.C. are super additions and have been alleged only with a view to give color to the case, no offence under Section 307 of the I.P.C. is made out, there is no allegation for repeating blow 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 the land dispute between the parties and further that the injuries are found 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, Gopalganj, in connection with Baikunthpur P.S. Case No. 177 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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