

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50800 of 2017

Arising Out of PS.Case No. -47 Year- 2017 Thana -INARWA District-
WESTCHAMPARAN(BETTIAH)

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1. Jahir Mohammad S/o Late Mus Mohammad, R/o Village- Jhajhari, P.S.-
Inarwa, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Inarwa P.S.Case No. 47 of 2017 registered under Sections
341, 323, 324, 384 and 504/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that save and except Section 384 of the Indian Penal
Code all other Sections are bailable in nature. He submitted that
from the allegations made in the FIR it would be manifest that the
ingredients of the offence punishable under Section 384 of the
Indian Penal Code are not attracted and at best an offence
punishable under Section 385 of the Indian Penal Code would be
attracted in this case. He submitted that since there is only
allegation of attempt to excite fear, the offence under Section 384



of the Indian Penal Code cannot be said to have been consummated. He further submitted that four other co-accused, namely, Ramayan Manjhi, Dhurendra Manjhi, Birendra Manjhi and Nandlal Manjhi having similar allegation to that of the petitioner have already been granted pre-arrest bail by a Bench of this Court vide order dated 30.10.2017 passed in Cr.Misc. No. 48216 of 2017.

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

Having regard to the nature of offence and the submissions made above, in the event of arrest or 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 Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Inarwa P.S.Case No. 47 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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