

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51160 of 2017

Arising Out of PS.Case No. -1021 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Raj Kumar @ Raj Kumar Yadav, S/o Dukhee Yadav,
2. Akhilesh Kumar S/o Dukhee Yadav
All R/o Village- Sukhasan, P.S. and District- Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 17-11-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

It is submitted by the learned counsel for the
petitioners that petitioner no.1 Raj Kumar @ Raj Kumar Yadav
has already been arrested during pendency of the present
application.

In view of the submission made above, the
application for grant of pre-arrest bail so far as petitioner no.1 is
concerned, is dismissed as infructuous.

The petitioner no.2 seek pre-arrest bail in connection
with Saharsa Sadar P.S. Case No. 1021 of 2016 registered under
Sections 341, 323, 307, 379 and 504 read with 34 of the Indian



Penal Code.

It is submitted by the learned counsel for the petitioner that the parties have settled their dispute outside the court. The entire occurrence took place due to land dispute and the injuries sustained by the informant are also simple. Hence, the ingredients of the offence punishable under Section 307 IPC are not attracted in the present case.

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

Having regard to the nature of allegation, in the event of arrest or surrender in the court below within six weeks from today, the petitioner no 2, namely, Akhilesh Kumar 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 Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 1021 of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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