

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60813 of 2017

Arising Out of PS.Case No. -427 Year- 2017 Thana -JAGDISHPUR District- BHAGALPUR

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1. Bobby Sah S/o Malik Ram Sah, R/o Village- Jagdishpur near Girl School,
P.S.- Jagdishpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Jagdishpur P.S.Case No. 427 of 2017 registered under
Sections 307, 341, 323, 385, 379, 504 and 506/34 of the Indian
Penal Code.

It is submitted by the learned counsel for the
petitioner that from perusal of the FIR itself it will appear that the
ingredients of the offence punishable under Section 307 of the
Indian Penal Code are not attracted in this case. He submitted that
there is admitted land dispute between the parties and certain
simple injuries were caused in the scuffle due to ongoing land
dispute.

On the other hand, learned counsel for the State
opposed the application for grant of pre-arrest bail to the



petitioner. He submitted that the learned 7th Additional Sessions Judge, Bhagalpur himself has indicated in his order that the petitioner should surrender and seek regular bail as the injuries sustained are simple in nature.

I have heard learned counsel for the parties and perused the record.

Regard being had to the findings recorded by the learned 7th Additional Sessions Judge, Bhagalpur in his order dated 30.10.2017 passed in A.B.P. No. 1783 of 2017 wherein while rejecting the application for grant of pre-arrest bail to the petitioner, he has recorded that the injury report would suggest that the injuries were all simple in nature and appear to be contradictory and there is land dispute between the parties, 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 Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur P.S.Case No. 427 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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