

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55191 of 2017

Arising Out of PS.Case No. -217 Year- 2017 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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Bhim Kumar Singh @ Bhim Bali Singh, Son of Late Jagat Bali Singh,
Resident of Village- Laukariya, Police Station- Bairiya, District- West
Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 19-12-2017 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel for
the informant.

The petitioner seeks pre-arrest bail in connection with
Bairiya P. S. Case No. 217 of 2017 registered under Sections 341,
323, 307, 379 and 504/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that there is case and counter case. He submitted that
though there is allegation that three persons assaulted the
informant, only one grievous injury was found on the person of
the informant. He submitted that the allegations made in the FIR



do not attract the ingredients of the offence punishable under Section 307 of the Indian Penal Code. He contended that the genesis of the occurrence was a long standing land dispute between the parties.

On the other hand, learned counsel for the informant vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that counter case has been instituted on the basis of false allegations. He contended that one of the injuries caused on the parietal reason of the informant by means of *danda* was found grievous in nature.

Regard being had to the submissions made above, the petitioner named above 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 learned ACJM-IV, West Champaran at Bettiah in Bairiya P. S. Case No. 217 of 2017 , subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J)

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