

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11669 of 2017

Arising Out of PS.Case No. -238 Year- 2016 Thana -MAIRWA District- SIWAN

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1. Vijay Patel Son of late Dharamdeo Patel
2. Uday Patel Son of late Dharamdeo Patel
3. Vinay Patel Son of late Dharamdeo Patel All are Resident of Village-
Atwa, Police Station-Mairwa, District-Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the State : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 20-03-2017 Heard learned counsel for the petitioners and the

State.

The petitioner apprehends their arrest in Mairwa P.S.

Case No. 238 of 2016 instituted for the offence under sections
341, 323, 326, 307, 504/34 of the Indian Penal Code.

It is alleged in the written report that there is specific

allegation against petitioner no.2 of assaulting mother of the
informant with iron rod on her face, causing injury near her right
eye and bleeding took place, on account of which she fell down.

The learned Sessions Judge has mentioned in the

impugned order that injury report of the injured has been
mentioned in para-29 of the case diary wherein the doctor has
found injury caused by hard blunt substance and the opinion has
been kept reserved.



In such circumstances, this court is not inclined to grant anticipatory bail to petitioner no.2., namely, Uday Patel. Accordingly, the prayer for anticipatory bail of petitioner no.2 is rejected.

So far petitioner nos. 1 and 3 are concerned, there is no allegation of any specific overt act against them.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner nos. 1 and 3 is allowed. In the event of surrender/arrest of the petitioners named above, (except petitioner no.2) within six weeks from today, in connection with Mairwa P.S. Case No. 238 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Siwan, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner no.2 is directed to surrender before the court below and seek regular bail which shall be considered and disposed off in accordance with law after looking into the injury report as well as other material available in the case diary.

(Sanjay Priya, J)

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