

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35038 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -SRINAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Aurangjeb Gaddi Son of Akbar Gaddi
2. Firdis Gaddi @ Firdos Gaddi Son of Akbar Gaddi
3. Badrul Gaddi Son of Akbar Gaddi
4. Noor Hoda Gaddi @ Nurul Hoda Son of Akbar Gaddi
5. Samsul Nisa Wife of Akbar Gaddi All are residents of Village - Patjirwa
Gudiyani, P.s. - Srinagar (Pujaha), District - West Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Dr. Indihar Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER**

2 10-08-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners, apprehending their arrest in
connection with Srinagar (Pujaha) P.S. Case No. 44 of 2017
registered for the offences punishable under Sections 341. 323.
324, 307, 447, 379 and 504/34 of the Indian Penal Code, seek the
privilege of pre-arrest bail.

The learned counsel for the petitioners submits that
there is case and counter case. The petitioners have also received
injuries which are grievous in nature whereas the informant and
his son have received injuries which are simple caused by hard
and blunt object.



The allegation as made in the First Information Report is not substantiated with injury report. The allegation under Section 379 of the Indian Penal Code is super addition. The petitioners have got no criminal antecedent and, as such, the petitioners also deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering Annexure-3, the injury report of the informant and his son, the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Srinagar (Pujaha) P.S. Case No. 44 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J)

Vats/-

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