

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35423 of 2017

Arising Out of PS.Case No. -100 Year- 2017 Thana -KAKO District- JEHANABAD

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1. Rajesh Kumar @ Raju, Son of Jaleshwar Yadav,
2. Dipu Kumar, Son of Mithlesh Prasad,
Both are resident of Village- Bedauli, Police Station- Kako in the district of
Jehanabad. Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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

ORAL ORDER

2 11-08-2017 Heard learned counsel for the petitioners and learned APP
representing the State.

The petitioners apprehend their arrest in connection with
Kako P.S. Case No. 100 of 2017 registered for the offences punishable
under Sections 147, 149, 341, 323, 504, 506, 307, 379 of the Indian
Penal Code.

In the first information report there is allegation that the
petitioner no. 1 Rajesh Kumar assaulted Manish on his head with iron
rod causing head injuries and he became unconscious and fell down
and then the petitioner no. 2 Dipu Kumar assaulted Anil with lathi
which hit on his right shoulder.

Submission is of false implication and that there is case and
counter case, both sides have received injuries. Case lodged by the
petitioners' side is of before whereas this case was lodged after that
case, the injuries received by Manish is lacerated wound on occipital



bone and for that x-ray was advised and opinion has been kept reserved, so far as injury of Anil Kumar is concerned, his injury is of only pain on left shoulder and pain in left hand and the opinion has been kept reserved and up-till now no final report has come. Petitioner no. 1 has also received injury and as such both the petitioners deserve sympathetic consideration. There is free fight between the parties and the allegation of theft appears to be super addition.

Learned APP opposes the prayer of pre-arrest bail.

In the facts and circumstances stated above, considering that there is case and counter case, there was free fight between both the parties, the petitioners above named, in case of their arrest or surrender within a period of four weeks from the date of receipt/production of a 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 Additional Chief Judicial Magistrate-cum-Sub-judge IV, Jehanabad in connection with Kako P.S. Case No. 100 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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