

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38254 of 2017

Arising Out of PS.Case No. -99 Year- 2017 Thana -BARARI District- KATIHAR

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Vikash Kumar Jha Son of Sanjay Kumar, R/o Village- Barari Besti, Ward
No. 2, P.S.- Barari, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-08-2017 Heard learned counsel for the petitioner and learned counsel
for the State.

The petitioner apprehends arrest in connection with Barari
P.S. Case No. 99 of 2017 registered for the offences punishable
under Sections 147, 341, 323, 504, 506, 307 and 379 of the IPC.

The informant has alleged that on 26.04.2017 this petitioner
and his family members started uprooting the brick, which was
opposed by the informant. The petitioner and co-accused
thereafter assaulted the informant on head with iron rod and when
the husband of the informant came for her rescue, he was also
abused and assaulted by this petitioner.

Learned counsel for the petitioner submits that the petitioner
and the informant are neighbour and on the date of occurrence
scuffle took place between the parties, for which the grand-father



of this petitioner lodged the FIR vide Barai P.S. Case No. 100 of 2017 for the offence committed under Section 147, 341, 323, 379 and 504/34 of the IPC. The petitioner in the said occurrence had also sustained head injury whereas, the injury found on the informant are simple in nature and no offence under Section 307 of the IPC is made out.

Learned Additional Public Prosecutor opposed the aforesaid submission.

On perusal of documents I find that both the parties have lodged case and counter case for assaulting each other and sustained injuries which are simple in nature.

Considering the facts and circumstances, as stated above, this application is allowed.

Let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, 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 C.J.M., Katihar in connection with Barari P.S. Case No. 99 of 2017, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

khushbu/-

(Sanjay Kumar, J)

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