

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32220 of 2017

Arising Out of PS.Case No. -63 Year- 2017 Thana -JALALPUR District- SARAN

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1. Jawahir Singh, Son of Hari Ram Singh
2. Rabindra Singh, Son of Hirdya Lal Singh Both Above Resident of
Village-Gamhariya, Police Station-Jalalpur, District-Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 26-07-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Jalalpur P.S. Case No. 63 of 2017 instituted for the offence under Sections-307, 379 & other minor Sections of the Indian Penal Code.

It has been submitted on behalf of petitioners that this is a case of free fight and the informant side was aggressor. The injury has been sustained from the informant side also in counter case i.e. Jalalpur P.S. Case No. 62 of 2017.

In the written report, it is alleged that the petitioner No. 1 assaulted the informant on head with farsa and petitioner No. 2 assaulted brother of the informant with Bhala on his head. The injury report of both the persons have been produced during hearing of the bail petition and is also mentioned in the impugned order wherein the doctor has neither given opinion about the nature of injury or the weapons used in causing injury. The informant received only one injury as per impugned order. In paragraph-10 of the petition, the injury



received by the informant side is mentioned whereas; at para-9, the injury sustained by the petitioner side has been mentioned in counter case.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Jalalpur P.S. Case No. 63 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Saran at Chapra subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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