

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7238 of 2017

Arising Out of PS.Case No. -354 Year- 2016 Thana -PATORI District- SAMASTIPUR

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1. Anandu Roy S/o Late Satrdhan Roy
2. Nitish Kumar S/o Anandu Roy, Both Resident of Village- Gadi
Mohanpur, P.S.- Palori (Mohanpur O.P.), District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh.

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-02-2017 The petitioners are apprehending their arrest in connection with Patori P.S. Case No. 354 of 2016, registered for offences punishable under Sections 447, 341, 323, 324, 326, 307 and 504/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that it is alleged that petitioner no. 1 assaulted the informant by garasa, which slashed his little finger of left hand and petitioner no. 2 assaulted by garass on the wife of the informant on her neck, however the dispute arose with respect to quarrel between children and the petitioners have not assaulted the informant and his wife with the motive to kill them.

Heard learned A.P.P.

Having heard both sides, in view of the fact that injury



inflicted by petitioner no. 2 on the neck of informant's wife was found to be simple in nature couple with the fact he has no criminal antecedent, let petitioner no. 2, namely, Nitish Kumar in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Samastipur in connection with Patori P.S. Case No. 354 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation



of his bail bonds.

So far petitioner no. 1, namely, Anandu Roy is concerned, in view of the fact that he gave garasa blow to the informant, which chopped off his little finger of left hand, since the said injury is grievous in nature, I am not inclined to grant him the privilege of anticipatory bail, it is accordingly rejected.

However, if the petitioner no. 1, namely, Anandu Roy surrenders before the court below and pray for regular bail, his application shall be considered by the court below on the merit of the case, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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