

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11007 of 2017

Arising Out of PS.Case No. -197 Year- 2016 Thana -PARSABAZAR District- PATNA

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1. Kapil Mistree, son of Yadu Nandan Mistri, resident of Mohalla-Khaprail Chak, P.S.- Parsa Bazar, District- Patna.
 2. Tuntun Mistree, son of Yadu Nandan Mistri, resident of Mohalla-Khaprail Chak, P.S.- Parsa Bazar, District- Patna.
 3. Fudani Mistree @ Futani Mistri, son of Shankar Mistri, resident of Mohalla- Khaprail Chak, P.S.- Parsa Bazar, District- Patna.
 4. Mantosh Mistree, son of Sumendra Mistri, resident of Mohalla-Khaprail Chak, P.S.- Parsa Bazar, District- Patna.
 5. Pawan Mistree, son of Sarwan Mistri, resident of Mohalla- Khaprail Chak, P.S.- Parsa Bazar, District- Patna.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vinay Mistry, Advocate
For the Opposite Party : Mr. Anand Kishore Choudhary (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 18-03-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection with Parsa Bazar P.S. Case No. 197 of 2016, registered for the offences punishable under Sections 341, 323, 324, 325, 379, 504/34 of the Indian Penal Code.

On behalf of the petitioners it is submitted that the occurrence is of 23.10.2016 but case has been lodged on 29.10.2016 after much delay which creates suspicion and doubt, whatever allegation of assault or committing theft have been



leveled, the same is not specific against any of the accused and only due to village politics the petitioners have been implicated in this case and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that delay in lodging the F.I.R. is well explained as the informant was at first treated at Punpun hospital and from there he was referred to P.M.C.H., Patna and after treatment the written application has been lodged, witnesses under investigation have also supported the allegation.

In the facts and circumstances as stated above, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Smt. Gayatri Kumari, Judicial Magistrate, 1st Class, Patna, in connection with Parsa Bazar P.S. Case No. 197 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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