

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10166 of 2017

Arising Out of PS.Case No. -164 Year- 2016 Thana -NARDIGANJ District- NAWADA

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1. Vibhakar Prasad @ Munna Sinha, son of Late Bachu Lal @ Lalla Prasad,
2. Pankaj Kumar, son of Vibhakar Prasad,
3. Babloo Kumar @ Karu, son of Vibhakar Prasad and
4. Ravi Raushan @ ravi son of Manoj Kumar, All residents of Village-
Kachuara, P.S.- Nardiganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-03-2017 Heard the parties.

The petitioner is apprehending his arrest in connection with Nardiganj P.S.Case No.164 of 2016 registered for offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

It is submitted on behalf of the petitioners that the F.I.R. shows that there is delay of 18-19 days in sending copy of the F.I.R. before the Magistrate. So far allegation of assault is concerned, the petitioner no.1 assaulted by ‘Garasa’ and the petitioner no.2 assaulted by “Gupti” on the head and the petitioner no.3 assaulted by “Talwar” on the head but all the injuries are to be simple in nature caused by hard and blunt substance. So far petitioner no.4 is concerned, there is allegation of assault by



“*Garasa*” and the injuries are grievous in nature but that is on not the vital part of the body and during the course of investigation also, it has come that an occurrence of ‘*Mar-Pit*’ took place between the parties. It had also come in the case diary that the petitioner no.1 is living outside.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail, stating that there is allegation of assault against the petitioners.

Having heard both sides and in view of the fact that the injuries are found to be simple in nature, so far allegation of assault by the petitioner no.1, 2 and 3 are concerned and that has been caused by hard and blunt substance and simple in nature. So far injuries to one Birendra Kumar is concerned, though the same is grievous in nature but the same is on the forearm not a vital part of the body and that injuries were attributed to Petitioner No.2, as such let the petitioners, 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.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M. VI, Nawada in connection with Nardiganj P.S. Case No.164 of 2016, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person



having sufficient immovable property within the jurisdiction of the concerned court.

- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the police, otherwise, the prosecution is free to move for cancellation of their bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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