

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30610 of 2018

Arising Out of PS.Case No. -199 Year- 2017 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Sonu Patel @ Sonu Kumar Rai, S/o Sri Yogendra Rai, R/o Vill.-
Sikandarpur, P.S.- Sangrampur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 07-06-2018 Heard learned counsel for the petitioner and the
State.

The petitioner is in custody in connection with Sangrampur P.S. Case No. 199 of 2017 for the offence under Sections 341, 323, 379, 385, 307, 427 and 504 of the Indian Penal Code. Subsequently the injured died and, as such, Section 302 of the Indian Penal Code has been added in the instant case.

Mr. Ajay Thakur, learned counsel appearing on behalf of the petitioner, submits that the petitioner has no criminal antecedent. He submitted that in the instant case both sides have sustained injury and this case is a counter case. Referring to the place of occurrence, which is the shop of the petitioner's side. He



submitted that in a case and counter case filed between two sides, the place of occurrence is crucial, undisputedly the place of occurrence is the shop of petitioner's side. He further submitted that in this case, the Court must consider the right of private defense of petitioner, while taking decision in grant of bail to the petitioner.

Considering the totality of the facts situation that the place of occurrence appears to be the place where petitioner's side carry on business, the Court prima facie accept the contentions of the learned counsel for the petitioner that in the case filed between two sides and both sides have sustained injury the present case may be of exceeding the right of private defense.

Considering the facts that the petitioner is in custody since 22.12.2017 and he has no criminal antecedent, the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran in connection with Sangrampur P.S. case no. 199 of 2017.

(Anil Kumar Upadhyay, J)

Rahul/Uday/-

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