

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35304 of 2018

- =====
1. Suraj Das son of Nagar Das
 2. Baidya Nath Das @ Baidhnath Das @ Baijnath Das son of Suraj Das,
Both are resident of Village- Chhatauni, P.S.- Hathauri (Shivaji Nagar
O.P.), District- Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Prabhakar
Singh, Advocate

For the Opposite Party/s : Smt. Reena Sinha, A.P.P

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**
ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with
Hathauri P. S. Case No. 108 of 2017 registered under Sections
308, 323, 324, 325, 341, 354B, 379, 504 & 506/34 of the Indian
Penal Code.

It is submitted by the learned counsel for the
petitioners that all the offences as alleged are bailable in nature
except Sections 308, 379 & 354B of the Indian Penal Code.
Offences punishable under Sections 354B & 379 of the Indian
Penal Code are added in order to make offences serious in nature.



So far as Section 308 of the Indian Penal Code is concerned, injury report would show that the nature of the injury is simple. The instant case was filed in retaliation to Hathauri P.S Case No. 107 of 2017 instituted *inter alia* under Sections 308 & 354 of the Indian Penal Code on the basis of fardbeyan the petitioner no. 1 Suraj Das recorded by the police in injured condition.

Learned Additional Public Prosecutor for the State opposed the prayer for grant of pre-arrest bail to the petitioners.

Considering the nature of allegation and the submissions made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-II, Rosera, District- Samastipur, in Hathauri P. S. Case No. 108 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Kanchan/-Sneha

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