

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.65389 of 2018

Arising Out of PS.Case No. -77 Year- 2010 Thana -GARKHA District- SARAN

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Manoj Rai, S/O Mishrilal Rai, resident of Rahampur, P.S. Garkha, District-Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anuj Kumar Shrivastava, Advocate.

For the Opposite Party : Mr. Atul Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 29-10-2018 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323, 324, 307 and 504/34 of the IPC.

The prosecution story, in brief, is that during course of occurrence, petitioner also came and began to abuse and instigated other accused persons to kill them.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is case and counter case between the parties. After



investigation, police has submitted final form against the petitioner. The court below has differed with the said final form and has taken cognizance for the offences referred above. Nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge, Saran, in connection with Garkha P.S. Case No. 77/2010, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

