

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13194 of 2018

Arising Out of PS.Case No. -119 Year- 2017 Thana -PHULWARIA District- BEGUSARAI

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1. Bibek Kumar @ Vivek Kumar S/o Shambhu Rai, R/o village- malti, P.S.-
Phulwaria, Distt.- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sri Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-04-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Phulwaria P.S.Case No.119 of 2017 , registered for offences punishable under Sections 385, 387, 307, 506 and 34 of the Indian Penal Code.

Allegation against the petitioner is of repeated assault on the informant causing injury to him.

Submission of the learned counsel for the petitioner is that that there is case and counter case between the parties and the injuries are from both sides and they are simple in nature. It has further been submitted that though he is accused in one more case but that case has also been lodged by the informant.

Heard learned A.P.P. also and the learned counsel for the



informant. They have opposed the prayer for bail on the ground that there is repeated blow on the head.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Begusarai in connection with Phulwaria P.S.case No.119 of 2017 dated 05.10.2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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