

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1304 of 2018

Arising Out of PS.Case No. -42 Year- 2016 Thana -KHUDWAN District- AURANGABAD

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1. Dheeraj Kumar, S/o Upendra Singh, resident of Village- Arai Khap, P.S.-
Khudwan, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Khudwan P.S.Case No. 42 of 2016 registered under Sections
341, 323, 324, 307 and 504/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that from perusal of the FIR no allegation of specific
overt act has been made against the petitioner. He submitted that
in fact no occurrence as alleged in the FIR has taken place and the
instant case is nothing but a counter blast to the case filed on
behalf of the petitioner vide Khudwan P.S.Case No. 43 of 2016.
He submitted that the petitioner and the informant are next door
neighbour and are own agnates and the dispute arose with regard



to passage of drain water. Referring to Annexures- 1 and 2 to the present application, he submitted that the injuries sustained on the person of the injured are all simple and superficial.

Learned counsel for the State opposed the application for grant of pre-arrest bail of the petitioner.

Considering the nature of allegation and the submissions made above, in the event of arrest or surrender before the court below within four weeks from today, the petitioner is 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 the learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Khudwan P.S.Case No. 42 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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