

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22148 of 2018

Arising Out of PS.Case No. -205 Year- 2016 Thana -BIHARIGANJ District- MADHEPURA

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Akhlesh Ram @ Akhilesh Kumar Ram, S/o Late Parmeshwar Ram,
Resident of Village- Belahi, P.S.- Bihariganj, District- Madhepura.

.... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Indra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 26-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Bihariganj P.S. Case No. 205 of 2016 registered under
Sections 341, 323, 324, 307, 427 and 379 read with 34 of the
Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that apart from sections 379 and 307 of the Indian
Penal Code all other sections in the first information report are
bailable in nature. Referring to the impugned order passed by the
learned Sessions Judge, learned counsel for the petitioner



submitted that the supervising officer did not find the allegation true under Section 379 of the Indian Penal Code. He also submitted that the Sessions Judge has recorded in the impugned order that the injuries on the person of the informant were all simple in nature. He contended that if the injuries were all simple, it is difficult to comprehend as to how an offence under Section 307 of the Indian Penal Code is made out as in the FIR, it is alleged that altogether 8 accused persons being variously armed assaulted the informant of the case.

Learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner. He submitted that this is not the stage when this Court would determine as to whether an offence under Section 307 of the Indian Penal Code is made out or not.

Be that as it may, considering the observations made by the learned Sessions Judge in the impugned order dated 26.02.2018, in the event of arrest or surrender in the court below within six 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 Judicial Magistrate-1st Class, Udakishunganj,



Madhepura in connection with Bihariganj P.S. Case No. 205 of
2016 subject to the conditions as laid down under Section 438(2)
Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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