

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22172 of 2018

Arising Out of PS.Case No. -302 Year- 2016 Thana -BIHIYA District- BHOJPUR

=====

Om Prakash Rai, S/o Birendra Rai, R/o Village- Barja, P.S.-Bihiya, District-
Bhojpur. Petitioner

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mrs. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

=====

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 Bihiya P.S. Case No. 302 of 2016 registered under Sections
323, 341, 307, 504 and 506 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that save and except section 307 of the Indian Penal
Code all other sections under which the first information report
has been registered are bailable in nature. Referring to the
impugned order passed by the learned Sessions Judge, it is
submitted that the informant sustained injury, which is reported



to be tenderness only. On the basis of these submissions, learned counsel for the petitioner submitted that the ingredients of the offences punishable under Section 307 of the Indian Penal Code are not attracted in the present case.

On the other hand, learned counsel for the State submitted that on account of partition of property, scuffle had taken place in which the husband of the informant had sustained injury on his testicles as a result of which, he had fainted.

Be that as it may, keeping in mind the nature of injury as recorded in the order passed by the learned Sessions Judge, 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 learned A.C.J.M.-V, Bhojpur, Ara in connection with Bihiya P.S. Case No. 302 of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	
---	--	---	--

