

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43013 of 2018

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Kanhaiya Bind S/o Balchand Bind @ Balchand, R/o Vill.- Palka, P.O.-
Paharia, P.S.- Bhabhua, District- Kaimur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 20-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Bhabhua P.S. Case No. 641 of 2017 registered under
Sections 341, 323, 379, 354 and 504 read with 34 of the Indian
Penal Code.

Referring to the order dated 07.06.2018 passed by
the learned Additional Sessions Judge-1st, Kaimur at Bhabua in
ABP No.812 of 2018, learned counsel appearing for the
petitioner submitted that on completion of investigation, the
police had submitted charge-sheet for the offences, which are all
bailable in nature, but the learned Magistrate differing with the
police report took cognizance of the offence punishable under



Section 354B of the Indian Penal Code. It is further submitted that the petitioner is physically challenged, as his left arm has already been amputated through middle and it is not expected that he would have indulged in any act which could have attracted the offences under Sections 379 and 354 of the Indian Penal Code.

On the other hand, learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioner.

Considering the nature of allegation and the submissions made above, 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 Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 641 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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