

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56868 of 2018

Arising Out of PS.Case No. -137 Year- 2018 Thana -PHULWARIYA District- GOPALGANJ

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Vinay Kumar Singh @ Binay Singh, son of Lalan Singh @ Lalan Chaudhur, resident of village- Madipur, P.S.- Phulwaria, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the State : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 06-10-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Phulwaria P.S. Case No.137 of 2018 registered under Sections 342, 323, 325, 353, 504, 506 and 308 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that the informant is not an eye witness of the occurrence. Though there is allegation of repeated assault upon Baijnath Singh with *Lathi* against the petitioner, the injury report annexed with the FIR would suggest that no apparent injury was caused to the informant Baijnath Singh. The doctor, who examined him could notice only chest pain, facial pain, pain in



neck and pain in left side of the eye. It is further contended that as the alleged victim was not even a public servant. Hence, the ingredients of the offence punishable under Section 353 of the Indian Penal Code would not be attracted.

Regard being had to the submissions made above as well as the facts and circumstances of the case, 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Phulwaria P.S. Case No.137 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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