

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41950 of 2017

Arising Out of PS.Case No. -126 Year- 2017 Thana -MAIRWA District- SIWAN

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1. Subash Ram, son of Late Bishundhari Ram Village - Kullepu Thana -
Mairwa, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Sufiyan (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 11-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Mirwa P.S. Case No. 126 of 2017, registered for the offences
punishable under Sections 341, 323, 504 and 307 of the Indian
Penal Code.

Allegedly, the petitioner being owner of Natraj
Dance and Drama party assaulted the husband of the informant
with lathi and danda causing head injury when the husband for
the informant demanded his wages.

Submission is of false implication and that there is
case and counter case. The petitioner has also lodged Mairwa P.S.
Case No. 125 of 2017. The husband of the informant was in
drunken condition and he started abusing the petitioner and in the



meantime the husband of the informant fell down in drunken condition by which he received head injury. The doctor who has examined the husband of the informant has also found that he has consumed alcohol vide para 16 of the case diary and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the husband of the informant was a dancer in Natraj Dance and Drama party and when he demanded dues of his wages, the petitioner assaulted him and further the doctor has found deep incised injury on head size 2" x 1".

In the facts and circumstances as stated above, considering that the injured has consumed alcohol and then the occurrence has taken place and, as such, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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, Siwan, in connection with Mairwa P.S. Case No. 126 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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