

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.839 of 2018

Arising Out of PS.Case No. -1256 Year- 2017 Thana -SA SARAM NAGAR District- SASARAM
(ROHTAS)

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1. Khairati Mistri, S/o Late Jamarati Mistri,
2. Vikky @ Md. Alamgir S/o Khairati Mistri, R/o Moh.- Sahajalal Pir,
P.S.- Sadaram Nagar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with Sasaram (T) P.S.Case No. 1256 of 2017 registered under Sections 341, 323, 324, 325, 326, 307, 504 and 506/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the ingredients of the offences alleged under Sections 326 and 307 of the Indian Penal Code would not be attracted in the present case as the injuries sustained by the husband of the informant were all simple in nature. He submitted that there is counter version of the occurrence lodged by one



Saddam Hussain, which was registered as Sasaram (T) P.S.Case No. 1301 of 2017 against the husband of the informant interalia under Sections 341, 324 and 325 of the Indian Penal Code. He submitted that the petitioner no.1 Khairati Mistri is an old man aged about 70 years and his son petitioner no.2 Vikky is a handicapped person and there is no overt act alleged against them.

Learned counsel for the State opposed the application for grant of pre-arrest bail of the petitioners.

Regard being had to the fact that the specific allegation of assault is against co-accused Mukhia, in the event of arrest or surrender before the court below within four weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Sasaram (T) P.S.Case No. 1256 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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