

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18330 of 2018

Arising Out of PS.Case No. -211 Year- 2017 Thana -GARAUL District- VAISHALI(HAJIPUR)

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Md. Khus Noor, son of Md. Wasir, resident of village- Adampur, P.S.-
Goraul, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anita Kumari Singh, Advocate

For the State : Smt. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Goroul P.S. Case No.211 of 2017 registered under Sections 341,
323, 354, 308, 379 and 504 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that altogether fourteen persons have been named in the first
information report, out of whom seven persons have been granted
pre-arrest bail by the learned Sessions Judge. She submitted that
from the allegations made in the first information report it cannot
be inferred that the accused persons caused injury to any one with
knowledge that the injuries were likely to cause death and, thus,
the ingredients of the offence punishable under Section 308 of the
Indian Penal Code would not be attracted. She submitted that so



far as Section 354 of the Indian Penal Code is concerned, there is no allegation of outraging the modesty of the informant or any one else against the petitioner. Further, there is no allegation that the petitioner removed any article from the possession of the informant or any one else, hence, even ingredients of Section 379 of the Indian Penal Code would not be attracted against him.

On the other hand, learned counsel for the State submitted that there is allegation against the petitioner that he caused injury by iron rod on the head of the son of the informant in the scuffle which took place.

Considering the facts and circumstances of the case and the submissions made on behalf of the parties, 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 S.D.J.M., Vaishali at Hajipur in connection with Goraul P.S. Case No.211 of 2017, 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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