

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36271 of 2018

Arising Out of PS.Case No. -174 Year- 2018 Thana -KHAGARIA District- KHAGARIA

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1. Kunwar Kanhaiya @ Kunwar Kanhaiya Poddar Son of Raj Kumar Poddar
 2. Raj Kumar Poddar Son of Late Parmeshwar Poddar

Both are residents of Village - Champa Nagar Bazar Samiti, Police Station Chitragupta Nagar, District - Khagaria.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-07-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Khagaria P. S. Case No. 174/2018 registered under Sections 147, 148, 149, 341, 323, 325, 307, 447 and 506 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the informant of the case is the son of petitioner no. 2 and the brother of petitioner no.1. He has implicated the petitioners on account of the dispute relating to partition of property which is going on between the parties. It is further submitted that save and except Section 307 of the Indian Penal



Code, all other Sections of Penal Code are bailable in nature. Even on admitted facts of the FIR, ingredients of the offence punishable under Section 307 of the Indian Penal Code would not be attracted as there is nothing to suggest that the petitioners in any manner attempted to kill the informant.

On the other hand, learned Additional Public Prosecutor for the State opposed the prayer for grant of pre-arrest bail to the petitioner.

I have heard learned counsel for the parties.

Considering the nature of allegation made in the FIR and submissions made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are 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 Chief Judicial Magistrate, Khagaria in Khagaria P.S. Case No. 174/2018 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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