

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.759 of 2018

Arising Out of PS.Case No. -354 Year- 2017 Thana -JAGDISHPUR District- BHAGALPUR

- =====
1. Jaynt Kumar @ Jantu Kumar Son of Niroj Mandal.
 2. Niroj Mandal Son of Gochho Mandal.

All Resident of Village-Babhangawan P.S.-Goradih, District-Bhagalpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection
with Jagdishpur (Goradih) P. S. Case No. 354 of 2017
registered under Sections 341, 147, 148, 149, 323, 324, 307,
504 and 506 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that except the offences under Sections 307 and 324
of the Indian Penal Code, all the offences are bailable in nature.
Referring to the supplementary affidavit filed on behalf of the
petitioners, he submitted that since the injuries found on the
person of injured were simple in nature and from the FIR itself,
it would also transpire that there was no attempt to kill the



informant, the ingredients of offence punishable under Section 307 of the Indian Penal Code would not be attracted.

On the other hand, learned counsel for the State submitted that since there is allegation that the petitioners used deadly weapons causing injury on vital part, it cannot be said that no offence under Section 307 of the Indian Penal Code is made out. He submitted that whether or not the offence under Section 307 of the Indian Penal Code is made out can be looked into by the trial court at the stage of framing of charge.

Be that as it may, regard being had to the fact that there was case and counter case and the injuries found on the person of the injured were simple in nature, 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 learned Chief Judicial Magistrate, Bhagalpur in Jagdishpur (Goradih) P. S. Case No. 354 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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