

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1305 of 2018

Arising Out of PS.Case No. -125 Year- 2017 Thana -SALKHUA District- SAHARSA

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1. Rajesh Yadav Son of Pulendra Yadav
 2. Rudal Yadav son of Pradeep Yadav
 3. Vikash Yadav @ Vikash Kumar son of Pradeep Yadav
 4. Amrendra Yadav @ Amrendra Yadav son of Ashok Yadav All residents of Village : Koparia, P.S. : Salkhua, District : Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-01-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Salkhua P.S.Case No. 125 of 2017 registered under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and Section 25(1-B)(a), 26 and 27 of the Arms Act.

It is submitted by the learned counsel for the petitioners that there is case and counter case. The offences alleged are all bailable except Sections 324, 307 and 354 of the Indian Penal Code. The offences under Sections 324 and 307 of the Indian Penal Code would not be maintainable as the injuries sustained by the injured persons are all simple and superficial and



though there is allegation that the injuries were caused by means of *farsa*, the doctor, who examined them, found all the injuries caused by hard and blunt substance. He submitted that the offence punishable under Section 354 of the Indian Penal Code is ornamental in nature.

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

Considering the nature of allegation, injury report brought on record and the submissions made above, 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, Saharsa in connection with Salkhua P.S.Case No. 125 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Pradeep/-

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