

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9303 of 2018

Arising Out of PS.Case No. -316 Year- 2017 Thana -BHAWANIPUR District- PURNIA

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Mantu Sharma @ Mintu Sharma, S/o Late Bhagwan Mistri @ Bhagwan Sharma, resident of village- Naugachhiya, P.S. Naugachhiya, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar

For the Opposite Party/s : Mr. Sri Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 17-02-2018

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner seeks pre-arrest bail in connection with Bhawanipur P.S.Case No. 316 of 2017 registered under Sections 341, 323, 307, 504 and 506 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that even if the allegation made in the First Information Report is taken to be true, the ingredients of the offence punishable under Section 307 of the Indian Penal Code would not be attracted as there is no allegation that the petitioner repeated the assault on the informant. The only allegation is that he gave a single blow by a hard and blunt substance (*Baithi*) on the head of the informant, which caused bleeding injury. He submitted that the petitioner happens to be son-in-law of the informant and the



matter has been amicably settled between the parties as the dispute was of trivial nature.

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

Considering the nature of allegation and the submissions made above, in the event of arrest or surrender before the court below within four weeks from today, the petitioner is 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 the learned Chief Judicial Magistrate, Purnea in connection with Bhawanipur P.S. Case No. 316 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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