

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26909 of 2018

Arising Out of PS.Case No. -15 Year- 2018 Thana -AIRPORT District- PATNA

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1. Bhagirath Prasad, Son of Late Bedu Mahto,
2. Nirbhay @ Gullu, Son of Sri Bhagirath Prasad, Both resident of Village
Khajpura, P.S. Hawaii Adda, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-05-2018

At the very outset, it has been submitted by learned
counsel for the petitioner that petitioner no. 2, namely, Nirbhay @
Gullu has already been taken into custody and as such this
application with regard to petitioner no. 2 has become infructuous
and he may be allowed to withdraw this application so far
petitioner no. 2, is concerned.

Prayer is allowed.

This application so far petitioner no. 2 is concerned,
is dismissed as withdrawn.

So far petitioner no.1, namely, Bhagirath Prasad is
concerned, he is apprehending his arrest in connection with Hawaii
Adda P.S. Case No. 15 of 2018, registered for offences punishable
under Sections 341, 323, 324, 307, 504/34 of the Indian Penal



Code.

Allegation against the petitioner is of assault to the informant.

It has been submitted on behalf of the petitioner that though there is allegation of assault, however, the injury was found to be simple in nature and there is case and counter case between the parties and the injury sustained by the petitioner side is more serious.

Heard learned A.P.P. also.

Having heard both sides, in view of the above facts, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1st Class, Patna/or the concerned court, in connection with Hawaii Adda P.S. Case No. 15 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, it is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the



concerned Court.

- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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