

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57089 of 2018

Arising Out of PS.Case No. -103 Year- 2017 Thana -BARIYARPUR District- MUNGER

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1. Gopal Modi @ Gopal Kumar Modi, S/o Raghunandan Modi,
2. Chanda Kumari D/o Raghunandan Modi, Both are R/o Mahadeva, P.S.-
Bariyarpur, District- Munger.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Anant Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner as well as learned
Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Bariyarpur P.S. Case No. 103 of 2017 registered for the offences
punishable under sections 341, 323, 307, 379, 504, 506/34 of the Indian
Penal Code.

There is specific allegation against the petitioner no. 1,
namely, Gopal Modi @ Gopal Kumar Modi that he gave hammer blow
on the head of the informant as a result of which the informant is said to
have sustained injury on his head. So far as petitioner no. 2, namely,
Chanda Kumari is concerned, there is no specific allegation against her.

Learned counsel for the petitioners submits that, as a matter
of fact, the so-called injured did not sustain any injury as no injury report
is available on the case dairy.



Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is partly allowed and it is ordered that petitioner no. 2, namely, Chanda Kumari, in the event of her arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger in Bariyarpur P.S. Case No. 103 of 2017, subject to conditions as laid down under Section 438(2) of the Cr. P. C.

So far as bail prayer of the petitioner no. 1, namely, Gopal Modi @ Gopal Kumar Modi is concerned, the same shall stand rejected.

However, it is made clear that if the petitioner no. 1, namely, Goapl Modi @ Gopal Kumar Modi surrenders and seeks regular bail before the court below within the period of four weeks from today, the learned court below shall consider the regular bail application of the petitioner no. 1 on its own merit without being prejudiced by this rejection order, particularly, keeping in mind the submissions advanced on his behalf before this Court.

(Hemant Kumar Srivastava, J)

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