

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80633 of 2018

Arising Out of PS. Case No.-241 Year-2018 Thana- OBRA District- Aurangabad

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1. Nandu Prajapati, S/o Devi Dayal Prajapati
 2. Arvind Prajapati, S/o Devi Dayal Prajapati
- Both are resident of Village- Poktha Tola Kaliganj, P.S.- Obra, District- Aurangabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Ashlam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-02-2019 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Obra P.S. Case No.241 of 2018 registered for the offences punishable under Sections 307, 379, 341, 323, 504 and 506 read with 34 of the Indian Penal Code.

At the outset, it is submitted by Mr. Krishna Prasad Singh, learned senior advocate that during pendency of the application, petitioner no.1, namely, Nandu Prajapati has been taken into custody.

In view of the submission made above, the application so far as Nandu Prajapati is concerned, is dismissed as infructuous.



In respect of petitioner no.2 Arvind Brajapati, learned senior advocate submitted that there is a case and counter case. For the same occurrence, Sharda Devi wife of co-accused Nandu Prajapati lodged Obra P.S. Case No.242 of 2018 under Sections 379, 354, 341, 323, 504 read with 34 of the Indian Penal Code. Both the parties are neighbours and on a trivial issue of flow of water in drainage, a free fight had taken place. The petitioner has no criminal history and having roots in the society, he is not likely to abscond or tamper with the evidence. It is further contended that there is no allegation of repetition of blow and, hence, no case of Section 307 is made out and Sections 354 and 379 of the IPC is merely ornamental in nature.

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

Considering the nature of allegation and the defence taken by the petitioner, in the event of arrest or surrender in the court below, the petitioner no.2, Arvind Prajapati 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 Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Obra P.S. Case No.241 of 2018 subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan-

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