

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70769 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- SARMERA District- Nalanda

- =====
1. Bipin Singh (Male) aged about 50 years Son of Late Maheshwar Prasad Singh
 2. Damru Singh @ Harsh Raj (Male) aged about 30 years Son of Bipin Singh Both residents of Village - Tora, P.S.- Sarmera, District - Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Bhola Prasad, Advocate

For the State : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 27-11-2019 Heard Mr. Bhola Prasad, learned Advocate for the

petitioners and Mr. Md. Aslam Ansari, learned APP for the

State.

The petitioners seek bail in anticipation of their

arrest in connection with Sarmera P.S. Case No. 71 of 2019

which has been instituted for the offences under Sections

341, 323, 307, 504 and 506/34 of the Indian Penal Code.

The petitioners are said to have assaulted the

informant of the subject FIR, leading to head injuries on his

person.

It has been submitted that a case has been lodged



by the petitioners against the informant of this case vide Sarmera P.S. Case No. 70 of 2019. The petitioners have also received injuries on their persons, which fact does not find mention in the subject FIR which makes the case of the prosecution doubtful. Apart from this, it has been submitted that no definite opinion has been given about the nature of the injury suffered by the informant. Seeing the futility of the accusation, however, the prosecution party has jettisoned the differences and has also approached the court below for permission for compounding the case. The aforesaid request has not been acceded to by the court below on the ground that Section 307 of the IPC is not compoundable as per Schedule provided under Section 320 of the Code of Criminal Procedure.

Considering all these aspects of the matter, this Court finds it appropriate to enlarge the petitioners on anticipatory bail.

The petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from



the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Biharsharif, Nalanda in connection with Sarmera P.S. Case No. 71 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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