

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79773 of 2018

Arising Out of PS. Case No.-314 Year-2018 Thana- TEKARI District- Gaya

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1. Shiv Kumar Son of Gajadhar Das
 2. Pramod Das Son of Gaya Das
 3. Gaya Das Son of Late Balki Das
 4. Gajadhar Das Son of late Balki Das All Resident of Village - Simuara, P.S.- Tekari, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-01-2019 Heard the learned counsel for the petitioners and

the State.

The petitioners seek bail in anticipation of their arrest in connection with Terkari P. S. Case No. 314 of 2018 dated 21.08.2018 instituted for the offences under Sections 147, 148, 447, 504 and 307 of the Indian Penal Code.

Though the petitioners are said to have assaulted the informant and others by sharp cutting weapons but no injury report is available on record. This fact is evident from the order impugned. However, the court below refused to



grant anticipatory bail on the ground that with no injury report on record, the offence under Section 307 of the I.P.C. cannot be made out and therefore all other offences being bailable, the present petition for anticipatory bail would not be maintainable.

This Court is afraid, that cannot be the proposition of law. Since the F.I.R. has been registered under Section 307 I.P.C. with the allegation of assault by these persons by sharp cutting weapon, petition for anticipatory bail is maintainable.

For the absence of any injury report on record, and taking into account that the petitioners do not have any criminal antecedents, 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 the like amount each to the satisfaction of the learned A.C.J.M., Gaya in connection with Terkari P. S. Case No. 314 of



2018, subject to the conditions as laid down under Section
438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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