

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15738 of 2015

Arising Out of PS.Case No. -103 Year- 2014 Thana -DESARI District- VAISHALI(HAJIPUR)

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Raghubansh Rai son of Late Kamaladhari Rai R/o village - Maghaul Khurd,
Police Station - Desari, District - Vaishali at Hajipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh, Advocate

For the Opposite Party/s : Mr. P.N.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-05-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 341, 323, 504, 379,
307/34 of the Indian Penal Code.

It is alleged that the petitioner being the elder brother of
the informant was cutting bamboo from the orchard of the
informant when the informant went to make protest, the petitioner
started abusing, thereafter, this petitioner and co-accused Santosh
Rai came with iron rod and country made pistol and assaulted on
the head of the informant with iron rod causing swelling injury
when son, wife and daughter of the informant came to rescue they
were also assaulted.

It is submitted by learned counsel for the petitioner that
in the background of partition dispute accusation has been levelled
and petitioner's side at earlier point of time lodged Desari P.S.

Case No. 106 of 2014 against the informant, who is own brother of the petitioner. For the occurrence of 03.05.2014 at 07:30 am, the FIR was registered on 04.05.2014 at 11:30 pm. The petitioner is a retired government servant and injury has been found simple superficial in nature and the investigation has already concluded and leading to submission of chargesheet under sections 341/323/504/308/34 of the Indian Penal Code. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the nature of accusation, the relationship between the petitioner and the informant and petitioner being a retired government servant, let he be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari P.S. Case No.103 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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