

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5269 of 2015

Arising Out of PS.Case No. -98 Year- 2014 Thana -PIYAR District- MUZAFFARPUR

=====

1. Dharmendra Kumar Son of Laxman Rai
2. Jitendra Kumar Son of Laxman Rai
3. Reena Devi W/O Laxman Rai
All are Resident of vill-Piparpatiya,P.S-Pear,Distt.-Muzaffarpur
..... Petitioner/s

VERSUS

THE STATE OF BIHAR OPPOSITE PARTY/S

=====

Appearance:

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.
For the Opposite Party/s : Mr. B.N. Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 24-04-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

There happens to be specific allegation against the petitioners Dharmendra Kumar and Jitendra Kumar to have inflicted Dab blow over the informant Ram Balak Rai as well as his father Akshay Lal Roy while Reena Devi had inflicted rod blow over mother of informant, namely, Siya Devi.

It has been submitted on behalf of petitioners that petitioner Reena Devi happens to be Bhabhi of informant while petitioners Dharmendra Kumar and Jitendra Kumar are nephew. Out of family feud the aforesaid event visualized, however, the matter has been compromised amongst the parties. Furthermore, it has been submitted that though the injuries over the person of Ram Balak Rai has been found to be caused by hard and blunt substance, simple in nature and in the aforesaid background the allegation of assault by *Dab* is not at all found corroborated. In likewise manner only two

injuries have been found over the person of Siya Devi, simple in nature caused by hard and blunt substance. It has also been submitted that injury report of Akshay Rai has not been sent by the medical report. So submitted that it is a fit case for grant of anticipatory bail.

At the other hand, learned Additional Public Prosecutor opposed the prayer.

Taking into account the allegation on its face and further, the injury report of Akshay Rai is still awaited. I do not see it a fit case for grant of anticipatory bail to petitioners Dharmendra Kumar and Jitendra Kumar and accordingly, this petition is rejected to their interest.

So far petitioner Reena Devi is concerned, she is directed to 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 learned Sri Suvash Kumar roy, Judicial Magistrate, 1st Class, Muzaffarpur in connection with Pear P.S. Case No.98 of 2014 in the event of her arrest / surrender within four weeks in terms of condition so laid down under Section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J.)

PN/-

U		T	
---	--	---	--