

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27829 of 2015

Arising Out of PS.Case No. -54 Year- 2015 Thana -BATHNAHA District- SITAMARHI

1. Sanjay Rai
2. Ajay Rai
Both S/o Kripal Rai Resident of village - Pandaul, P.S. Bathnaha, District -
Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.

For the Opposite Party/s : Mr. R.P.S. Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-07-2015 Heard both sides.

The petitioners apprehend their arrest in a case under
Section 302 and other sections of the Indian Penal Code.

The informant made allegation that Bikau Rai and his
family members having armed with different weapons came and
began to assault the father of the informant Chandeshwar Rai.
When the father of the informant fell down, Bikau Rai assaulted
him with bamboo on his head. When Satyendra Kumar came to
save him, he was also assaulted by the accused persons. It is
submitted that there is no specific allegation of inflicting assault
against the petitioners. The deceased Chandeshwar Rai got one
injury on his head which is the cause of death. Similarly situated
co-accused, namely, Kripal Rai has already been enlarged on

regular bail by this Court vide order passed in Cr. Misc. No. 24890/2015.

It appears that the informant made allegations that the petitioner and others firstly assaulted the father of the informant and when the father of the informant fell down, Bikau Rai assaulted him with bamboo on his head and that injury caused death of the deceased. The petitioners are also alleged to have assaulted Satyendra Rai but no grievous injury was caused.

Considering the nature of allegations made against the petitioners and the fact that the petitioners are also alleged to have assaulted the deceased as well as Satyendra Rai, I am not inclined to enlarge the petitioners on anticipatory bail in Bathnaha P.S. Case No. 54 of 2015. Accordingly, the same is rejected.

The petitioners, if so advised, may surrender in the court below and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioners taking into consideration that similarly situated co-accused has already been granted regular bail.

(Prabhat Kumar Jha, J)

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