

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35801 of 2015

Arising Out of PS.Case No. -117 Year- 2015 Thana -PATORI District- SAMASTIPUR

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1. Ram Karan Rai son of Saryug Rai
 2. Ram Narayan Rai son of Saryug Rai
 3. Mohan Rai son of Ram Prasad Rai
 4. Narsingh Rai son of Mewa Rai
 5. Sharwan Rai son of Sakal Rai
 6. Munnilal Rai @ Munilal Rai son of Sakal Rai No. 1, 2 and 3, Resident of village- Sarsawa, No. 4, 5, and 6 of village- Hardaspur, All, P.S.- Patory (Mohanpur O.P.), District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.
For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 01-12-2015 Heard both sides.

The petitioners apprehend their arrest in Patory (Mohanpur O.P.) P.S. Case No. 117/2015, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code and 27 of the Arms Act.

The informant made allegation that his son Karu Kumar Singh had gone to his field, but the petitioners and other accused persons assaulted him causing fracture in his leg.

Learned counsel for the petitioners submits that the occurrence took place on 25.03.2015, but the FIR was lodged on

04.04.2015. From the side of the petitioner Patory (Mohanpur O.P.) P.S. Case No. 114/2015 was registered under Section 307 and other Sections of the Indian Penal Code on 01.04.2015 which was registered on the basis of fardbeyan given on 26.03.2015.

It is submitted that Karu Singh and Kanhaiya Singh are alleged to have assaulted the informant Shrawan Rai with knife. In the present case 18 persons are alleged to have assaulted Karu Kumar Singh, but only one injury that too the fracture of leg was found on the persons of Karu Singh. No specific allegation is made against the petitioners. The petitioners are purchasers of the land.

It appears that Ram Karan Rai, petitioner no. 1 was leading the mob and he firstly assaulted Karu Singh on his leg.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner no. 1 Ram Karan Rai above named on anticipatory bail. Accordingly, the same is rejected.

So far as the case of other accused persons, namely, Ram Narayan Rai, Mohan Rai, Narsingh Rai, Sharwan Rai and Munnilal Rai are concerned, there are omnibus and general allegations of assault against them, but only one injury was found on the person of Karu Kumar Singh.

Considering the facts aforesaid, petitioner nos. 2 to 6

above named 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, are directed to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Patory (Mohanpur O.P.) P.S. Case No. 117/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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