

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38177 of 2015

Arising Out of PS.Case No. -135 Year- 2014 Thana -GANGABRIDGE District-
VAISHALI(HAJIPUR)

- =====
1. Satya Narain Rai son of Inder Rai
 2. Radhey Rai son of Satya Narain Rai
 3. Shiv Sagar Rai son of Chet Narain Rai
 4. Indrajeet Rai son of Ishwardhari Rai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. U.S.P.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-09-2015 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 326, 307, 379 and 504 of the Indian Penal Code and 27(2) of the Arms Act.

Since petitioner no.4 Indrajeet Rai has been arrested, learned counsel for the petitioner seeks permission to withdraw the application with regard to petitioner no.4.

Accordingly, this application so far as it relates to petitioner no.4, is permitted to be withdrawn.

The prosecution case is that petitioner no.1, Satya



Narayan Rai, and his son namely, petitioner no.2 Radhey Rai, were abusing the brother of the informant. On alarm being raised, when the family members reached at the spot all the accused persons including the petitioners came variously armed and assaulted the informant's brother namely Amarjeet Rai. It is further alleged that when the informant went to rescue his brother petitioner no.2, Radhey Rai, made two rounds of firing one of them hit on the left thigh of the informant whereas petitioner no.1, Satya Narayan Rai, assaulted with 5kgs weight on the chest of Amarjeet Rai. The accused persons also assaulted the villagers when they came to rescue the informant and his brother. It is further alleged that the accused persons snatched gold chain from the neck of Amarjeet Rai and wrist watch from Vidyarthi Rai.

It is submitted by learned counsel for the petitioners that it is the informant's side who were aggressor and they made assault to the petitioners' side and Mintu Kumar Rai caused fire arm injury to petitioner no.4, Indrajeet Rai. It is further submitted that no injury report of Amarjeet Rai is on record and the petitioners' side has also lodged a case lodged against the informant's at earlier point of time.

Considering the specific accusation of causing fire arm injury by petitioner no.2 Radhey Rai, let the learned court below

consider prayer for regular bail of petitioner no.2 keeping in view that petitioner's side has also received fire arm injury, if he surrenders within a period of six weeks.

Accordingly, this application so far as it relates to petitioner no.2, is disposed of.

So far as petitioner nos. 1 and 3 are concerned, since the accusation against them is omnibus and general, there is counter version of the occurrence and the petitioners' side lodged the case at earlier point of time, let them 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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Vaishali, Hajipur in connection with Gangabridge P.S. Case No.135 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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