

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45004 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -MOHAMMADPUR District- GOPALGANJ

1. Hiralal Rai S/o Chanar Rai R/o Village Bansghat Masuriya, P.S.-
Mohammadpur, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.47875 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -MOHAMMADPUR District- GOPALGANJ

1. Rakesh Kumar S/o Suresh Rai R/o vill. - Bansh Ghat Masuriya, P.S.
Mohammadpur, Distt. - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.45004 of 2015)

For the Petitioner/s : Mr. Shyama Kant Singh

For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

(In Cr.Misc. No.47875 of 2015)

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Opposite Party/s : Mr. Khurshid Anwar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH

ORAL ORDER

2 15-10-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case
registered for the offences punishable under Sections
341,323,324,307 and 504/34 of the Indian Penal Code.

The prosecution case is that in the background of land



dispute the petitioner Hiralal Rai surrounded the father of the informant namely Sudarshan Rai. In the meantime, co accused Suresh Rai came and started abusing, thereafter petitioner Hiralal Rai caught hold of the informant and co accused Suresh Rai assaulted with farsa on the head of the informant, as a result, he fell down. When mother of the informant Pashupati Devi came to rescue then petitioner Rakesh Kumar assaulted with danda on her head.

It is submitted by the learned counsel for the petitioner Hiralal Rai that the accusation has been levelled in the background of land dispute and the accusation of assault has not been levelled against Hiralal. It is submitted by learned counsel for petitioner Rakesh Kumar that it is alleged this petitioner assaulted to the mother of the informant Pashupati Devi with danda but the injury report suggests that she received incised injury caused by sharp cutting weapon. Statement has been made in paragraph 3 of the petitions that the petitioners have no criminal antecedent.

Considering the fact that the accusation of assault is not against petitioner Hiralal and the accusation against petitioner Rakesh Kumar not being corroborated by the medical opinion, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within

a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Gopalganj in connection with Mohammadpur P.S. Case No.79 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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