

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49565 of 2014

Arising Out of PS.Case No. -36 Year- 2014 Thana -RAJAPAKAR District- VAISHALI(HAJIPUR)

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1. Deep Narayan Rai Son of Late Rampat Rai
2. Sitaram Rai Son of Late Shyam Nandan Rai Both Resident of Village -
Dayalpur P.S. Rajapakar (Baranti O.P.) District Vaishali

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Smt. Anuradha Singh, Adv.

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-04-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners, apprehending their arrest in connection with Raj Pakar (Baranti O.P.) P.S. Case No. 36 of 2014 registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 324, 354, 307, 379 and 380 of the Indian Penal Code.

The prosecution case in brief is that when the informant was sitting at his door, all the petitioners named in the First Information Report along with their wives came there and assaulted with lathi, Bhala , Farsa and revolver causing injuries to him as a result of which he fell down. Petitioner, Sitaram Rai is alleged to have given Farsa blow on the informant with an intention to kill him. The informant sustained injures and blood was oozing from his head. Petitioner Deep Narayan Rai also gave a Bhala blow on the brother of the informant.

Learned counsel for the petitioners has submitted that

there is an admitted land dispute between the parties and relating to which the present occurrence is said to have been taken place. There is a case and counter case also in respect to which Rajapakar (Baranti O.P.) P.S. Case No. 43 of 2014 has been instituted on behalf of the accused's side. It is further stated that the injury was also sustained to the accused's side. It is further stated that the injury was sustained to the accused's side in course of occurrence, which has not been explained by the prosecution and hence, the prosecution has not come with a clean hand.

Considering the aforesaid facts and the circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners and, as such, the prayer is rejected. Any how this order will not prejudice the court below while considering the bail application of the petitioners and passing the order. The court below shall consider the submissions made on behalf of the petitioners and dispose of the application of the petitioners on the same day. It is further directed that the petitioners shall surrender before the court below within a period six weeks.

(Sudhir Singh, J.)

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