

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56790 of 2015

Arising Out of PS.Case No. -128 Year- 2015 Thana -SHEOHAR District- SHEOHAR

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1. Ram Rekha Rai, Son of Ramagya Rai.
 2. Mahesh Rai, son of Ram Chandra Rai. Both are resident of Village-Sundarpur, Kharauna, P.S. & District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Damodar Pd. Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-12-2015 It is submitted that petitioner no.1 Ram Rekha Rai has already been arrested, hence application with regard to petitioner no.1 has become infructuous.

Accordingly, the same is disposed of.

Petitioner no.2 is apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 342, 324 and 307/34 of the Indian Penal Code.

The prosecution case is that petitioner no.1 Ram Rekha Rai was closing pathway when on protest being made by the informant petitioner no.1 abused and assaulted the informant. Subsequently it is alleged that on the order of Ram Rekha Rai, petitioner no.2, Mahesh Rai assaulted the informant with iron rod on the head of the informant as a result the informant received

injury and when cousin of the informant namely Mithun Rai came to rescue then he was also assaulted by petitioner no.1 Ram Rekha Rai with spade.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled. Petitioner no.2 is alleged to have assaulted the informant on his head with iron rod when the C.T. scan suggests no bony injury. There is counter version of the occurrence also. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner no.2 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) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sheohar in connection with Sheohar P.S. Case No. 128 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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