

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30714 of 2014

Arising Out of PS.Case No. -458 Year- 2013 Thana -RUNISAIDPUR District- SITAMARHI

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1. Umesh Rai
2. Rakesh Rai
3. Rajesh Rai All Son of Rama Rai, Resident of Village - Sirkhiriya, Ward
NO. 2 P.S. Runnisaidpur, Dist-Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Renu Kumari(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 22-01-2015 Heard the parties.

In this application for anticipatory bail the petitioners apprehend their arrest for the offence punishable under sections 341, 323, 308 and 379/34 of the I.P.C.

Allegedly, the petitioner Rakesh Rai asked the informant to free his wife from the ghost and when the informant refused to have any such habit the petitioner Rakesh Rai put a rope on his neck and petitioner Rajesh Rai and Umesh Rai gave Farsa blow on his head and then petitioner Rajesh Rai also assaulted with iron-rod on his back and thigh and further petitioner Umesh Rai took away Rs. 5,000/- from his pocket.

Submission is of false implication and that only

abrasion and lacerated wound has been found which all are simple in nature vide Annexure-2. The allegation under section 379 I.P.C. is super addition and there was no intervening circumstance and as such the offence under section 308 I.P.C. is also not applicable.

The learned A.P.P. fairly submits that from Annexure-2 it reveals that all the injuries are simple in nature caused by hard and blunt substance and there is no Farsa injury.

In the facts and circumstances as stated above, the petitioners in case of their arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. C.J.M. Sitamarhi in Complaint Case No. 925-C of 2011, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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