

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6053 of 2015

Arising Out of PS.Case No. -96 Year- 2014 Thana -PIPRAHI District- SHEOHAR

1. Sanjiv Kumar @ Sanjiv Kumar Rai @ Chunnu Rai
2. Munna Rai
Both sons of Ram Jinis Rai resident of Village - Ambaojha, Police Station -
Piprahi, District - Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar
For the Opposite Party/s Mr. Ram Shankar Das(Spl.App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 13.02.2015 Heard learned counsel for the petitioners as well as learned
Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Piprahi
P. S. case no. 96/2014 registered under sections 307 and other allied
sections of the IPC.

Petitioners are named in the first information report and
allegedly, they assaulted the informant with iron rod. Annexure 2,
photo stat copy of the injury report of injured reveals that injured has
sustained grievous injury.

Although police after investigation submitted charge sheet
under bailable sections but admittedly, court below differed with the
finding of the police and took cognizance for the offence under
section 307 and other minor sections of the IPC.

Learned counsel for the petitioners submits that according to

the prosecution case itself, alleged occurrence took place on 23.8.2014 whereas fardbeyan of the informant was recorded on 28.8.2014 and no explanation of the aforesaid delay was given. It is further contended by him that on the date of alleged occurrence, petitioner no.1 lodged Piprahi P. S. case no. 91/2014 and in retaliation to the aforesaid case, present case has been lodged and moreover, petitioners and informant are agnates and title suit is pending between them.

Considering the facts and circumstances as well as submissions of the parties, this anticipatory bail petition stands rejected.

However, if petitioners surrender within six weeks from today and seek regular bail, their regular bail application shall be considered on its own merit without being prejudiced by this rejection order, particularly, keeping in mind that there is case and counter case between the parties and earlier police found case true under bailable sections.

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(Hemant Kumar Srivastava,J)

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