

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37236 of 2014

Arising Out of PS.Case No. -23 Year- 2014 Thana -SIKARHATA District- BHOJPUR

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1. Ritesh Rai Son of Kamlesh Rai
2. Niraj Rai Son of Kamlesh Rai Both R/o Village Rajmaldih, P.S.
Sakarhata, District Bhojpur Ara

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-04-2015 Heard learned counsel for the petitioners as well as

learned counsel for the State.

In this application for anticipatory bail the petitioners apprehend their arrest for the offences punishable under sections 342, 504, 307, 379 and 34 of the I.P.C.

Allegedly, when the informant was sitting at his door the petitioners and their father came and started abusing and on protest they started assaulting the informant wherein the petitioner Ritesh Rai assaulted with lathi causing head injury and on alarm being raised when mother came for rescue then both the petitioners assaulted her with lathi, danda causing head injury and when she fell down then also she was assaulted by feet and fists and further her golden chain, earring and jewelry were snatched away.

Submission is of false implication and that for grazing

his paddy seedling there was some altercation, due to that there was free fight between the parties. There is case and counter case. The injuries have been found simple in nature on the person of the informant and on the person of mother of the informant also injuries found are simple. There is no allegation of inflicting blow on the vital part of the body so no offence under section 307 I.P.C. is made out. The allegation of theft is super addition and as such the petitioners deserve sympathetic consideration as they have got no criminal antecedents, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that there is case and counter case and further, as submitted, injuries are simple in nature vide Annexures- 3 and 4 and as such 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. S.D.J.M. Bhojpur (Ara) in Sikarhata P.S. Case No. 23 of 2014, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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