

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37026 of 2014

Arising Out of PS.Case No. -480 Year- 2013 Thana -RUNISAIDPUR District- SITAMARHI

- =====
1. Hari Shankar Rai Son of Late Brij Bihari Rai
 2. Rajesh Rai son of Hari Shankar Rai Both resident of village–
Runnisaidpur, P.S.- Runnisaidpur, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(APP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 20-02-2015 Heard Mr. Pushpendra Kumar Singh, learned counsel

appearing for the petitioner and learned counsel for the State.

The petitioners apprehend their arrest in connection with

Runnisaidpur P.S. Case No. 480 of 2013 for offence punishable

under Sections 341, 323, 324, 307, 379, 447 and 504/34 of the

Indian Penal Code.

Whereas the allegation against the petitioner no. 1 is of

assaulting the wife and daughter of the informant by a *Dabiya*

which is a sharp edged weapon, the allegation against the

petitioner no. 2 is of removing the earrings from the wife of the

informant.

Mr. Singh, learned counsel appearing on behalf of the

petitioners submits that the injuries on the wife and daughter of the

informant was found simple in nature and that the allegation

against the petitioner no. 2 is ornamental.

Having heard learned counsel for the parties and taking note of the allegations, I am of the opinion that insofar as the petitioner no. 1 Hari Shankar Rai is concerned, since the allegation finds support from the injury report of the wife and daughter of the informant which shows injury on the scalp, he is not entitled to privilege of anticipatory bail and his prayer stands rejected.

The petitioner no. 1 Hari Shankar Rai may surrender and pray for regular bail before the court below which shall be considered and disposed of on its own merit.

Insofar as the petitioner no. 2 Rajesh Rai is concerned, considering the nature of allegation, let the petitioner no. 2 Rajesh Rai in the event of his arrest or surrender before the court below within four weeks from today be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in connection with Runnisaidpur P.S. Case No. 480 of 2013 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application is allowed in part.

(Jyoti Saran, J)

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