

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3703 of 2015

Arising Out of PS.Case No. -138 Year- 2013 Thana -CHAPRA CITY District- SARAN

=====

1. Dara Rai
2. Guddu Rai both sons of Chandrama Rai resident of Mohalla- Dahiyawan
(Near Siya Maszid), P.S. Chapra Town, District- Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate.

For the Opposite Party/s : Mr. Nand Kumar(App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 28-01-2015 Heard both sides.

The petitioners apprehend their arrest in Chapra Town P.S.
Case No. 138 of 2013, registered for the offences punishable under Sections
307 and other Sections of the Indian Penal Code.

According to the prosecution case the petitioner and other
accused persons had started motorcycle in front of the house of the informant
and caused nuisance. The informant and her daughter objected on such the
petitioners are alleged to have assaulted the pregnant daughter of the
informant.

Learned counsel for the petitioner submits that there is no
specific allegation of assault against petitioner no. 2 Guddu Rai. Soni @
Nargis the daughter of the informant got three injuries, but the injuries are
superficial and simple in nature. The case is lodged on account of land
dispute.

On consideration of the facts it appears that there is no allegation of assault against petitioner no. 2 Guddu Rai accordingly, he, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. Case No. 138 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as the case of petitioner no. 1 Dara Rai is concerned, the informant made very specific allegation against him that he assaulted the pregnant daughter of the informant with fists and slaps as well as with iron rod on her head and corresponding injuries are also found, hence, I am not inclined to enlarge the petitioner no. 1 Dara Rai on anticipatory bail. Accordingly the same is rejected.

However, the petitioner no. 1, if so advised, may surrender before the court below and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--