

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46109 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -KOPA District- SARAN

1. Om Prakash Rai Son of Babudhan Rai, Resident of Village - Kachnar
Ke Mathiya, P.s. - Kopa, District - Saran.
2. Surendra Rai, S/o Late Sheo Ratan Rai,
3. Chandan Kumar @ Chandan Rai, S/o Shri Surendra Rai, Both r/o
Village Pach Patara, P.S. - Ravilganj, District - Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.46330 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -KOPA District- SARAN

Jitendra Rai, Son of Late Sheo Ratan Rai, Resident of Village- Pachpatra,
Police Station- Rivilganj, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.46109 of 2015)

For the Petitioner/s : Mr. Sushil Kumar Singh

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

(In Cr.Misc. No.46330 of 2015)

For the Petitioner/s : Mr. Sushil Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 26-11-2015 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners pray for anticipatory bail in a case
under Sections 147,148,149, 323, 504, 506,307 of the Indian

Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that it is a matter of case and counter case and the basic fact is that the genesis of the occurrence has been admitted by the parties. It is stated that the truck carrying the goods of the petitioner, Jitendra Rai had struck a transformer and damaged it.

The case of the informant is that thereafter the petitioner, Jitendra Rai came there and told them not to stop the truck upon which altercation ensued in which the informant received fire arm injury in his right arm.

Learned counsel for the petitioners submits that the same is not the correct description as upon the truck having damaged the transformer, it is the informant party which became aggressive and had brutally assaulted the accused persons including the petitioner Jitendra Rai who received stab injury 2 ½ inch deep in the cervical region right side in the nape of neck as also further injuries including the fracture in the anterior wall of right maxillary atrium and nasal bone as well as septum which injury was found to be grievous and he was carried in that serious condition to the hospital and ultimately referred to the Patna Medical College and Hospital where he has been admitted. It is submitted that it is the informant party which was the aggressor

and only in self defence the accused, Jitendra Rai had acted in order to save his life. It is further submitted that so far as the other accused persons are concerned there is no specific allegation against them and the allegations are of general nature. It is also submitted that none of the accused persons have any criminal antecedent.

On a consideration of the facts and circumstances of the case, it is directed that the petitioners (1) Om Prakash Rai, (2) Surendra Rai, (3) Chandan Kumar alias Chandan Rai and (4) Jitendra Rai, in the event of their arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Kopa P.S. Case No. 31/2015 to the satisfaction of the concerned Judicial Magistrate, Saran at Chapra, subject to the other conditions as laid down under Section 438(2) Cr.P.C.

(Ramesh Kumar Datta, J)

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