

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50532 of 2015

Arising Out of PS.Case No. -241 Year- 2015 Thana -MASRAKH District- SARAN
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- 1. Bihari Rai, Son of Late Brahmdeoi Rai.
- 2. Raj Kumar Rai, Son of Bihari Rai.
- 3. Pappu Rai, Son of Bihari Rai.
- 4. Ajay Rai @ Ajay Kumar Rai, Son of Bihari Rai All R/o Vill. - Gorhna, P.S. Mashrak, Distt. - Saran at Chapra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar, Advocate.
For the Opposite Party/s : Mr. G.S. Gupta (APP)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 10-12-2015 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Learned counsel for the petitioner nos. 3 and 4 seeks permission to withdraw this application as they have been arrested by the police.

Permission is withdrawn.

Accordingly, this application is dismissed as withdrawn as against the petitioner nos. 3 and 4.

The petitioner nos. 1 and 2 apprehend their arrest in connection with Mashrak P.S. Case No. 241 of 2015 registered under Sections 147, 149, 323, 341, 447, 307 and 504 of the Indian Penal Code.



The allegation of informant, Parmatma Rai, is that on 10.08.2015 at about 6 P.M., Ajay Rai, son of petitioner no. 1 was driving motorcycle rash and negligent and meet with an accident to daughter of daughter of Atibal Rai. Thereafter, informant asked Ajay Rai and the petitioner no. 1 not to drive motorcycle rash and negligent. On which, 11 persons including the petitioners came at the door of the informant armed with Lathi, Farsa and Bhala and started abusing. In that course, Pappu Rai gave Farsa blow at the head of the informant, petitioner no. 2 gave Bhala blow at this left thigh and petitioner no. 4 caused injury through Farsa at the head of Raghunath Rai.

Learned counsel for the petitioners submits that, in fact, occurrence took place due to blocking the road by the informant and his family members, regarding the said occurrence, defence side also sustained injury, on which, petitioner no. 1, sustained fracture on his leg, regarding which, Maskrak P.S. Case No. 246 of 2015 was instituted against the informant of the present case and others. It is further submitted that petitioner no. 1, Bihari Rai, being the head of the family members has falsely been implicated in this case and the specific allegation against the petitioner no. 2, Raj Kumar Rai, to gave Bhala blow at the left thigh of the informant.

There is specific allegation against the petitioner no.

2, Raj Kumar Rai, I am not inclined to grant anticipatory bail to the petitioner no.2, Raj Kumar Rai. Accordingly, the prayer of the petitioner no.2 for grant of anticipatory bail stands rejected. The petitioner no. 2 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

As far as petitioner no. 1, Bihari Rai, is concerned, no specific overt act has been attributed against him, let the above named petitioner no.1, be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, 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 Mashrak P.S. Case No. 241 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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