

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8445 of 2016

Arising Out of PS.Case No. -104 Year- 2015 Thana -GORAUL District- VAISHALI(HAJIPUR)

1. Ramjee Rai Son of Late Ritu Rai resident of village and P.O. Rusulpur,
P.S. Goraul, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. Abhay Kumar -I(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Goraul P. S. Case No. 104/2015 registered for offences punishable
under Sections 341, 323, 324, 308, 379, 504 and 34 of the Indian
Penal Code.

The prosecution case as lodged by the informant Ramji
Rai is that on 07.04.2015 at about 1 P.M. all the accused persons
along with others named in the F.I.R. came to the field of
informant in which Mung crop was planted. Suddenly the
accused persons started sowing maize and on protest all the
accused persons started abusing and assaulting with lathi, danda

and petitioner Ram Ji Rai gave a farsa blow upon the informant, causing fracture and bleeding injury on his head with intention to kill him. Bramdeo Rai tied rope around his neck and started dragging the informant and accused persons also snatched gold chain from the neck of the informant. On hulla, the local people gathered there and took the injured to hospital for treatment.

It has been submitted by the learned counsel for the petitioner that he is innocent and there was land dispute between the parties and certain orders were passed in his favour, hence, the allegation upon him is false. He further submits that a counter case bearing Goraul P.S. 102 of 2015 had been lodged by the petitioner against the informant side, which is prior to the said occurrence. He states that he has a clean antecedent.

It has further been submitted that although the date of occurrence is 07.04.2015 but the same has been submitted before the police on 08.04.2015 and F.I.R. has been registered on 14.04.2015, after inordinate delay. He submits that although the petitioner is on police bail on 23.06.2016 but since the charge sheet has been submitted, the petitioner has moved this anticipatory bail application. He further submits that the injury report found on the informant, having been caused by the petitioner has found to be simple in nature.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and charge sheet already submitted, hence opposes the prayer for bail.

Be that as it may, since that the petitioner was already on police bail before being charge sheeted and agrees not to abscond or tamper with the evidence, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul P.S.Case No. 104 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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