

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23803 of 2016

Arising Out of PS.Case No. -19 Year- 2013 Thana -BANIAPUR District- SARAN

- =====
1. Raghunath Rai S/o late Narsingh Rai
2. Afgan Ansari S/o late Farukh Ansari both Resident of Village- Satuan,
PS Baniyapur Distt Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Anita Kumar Singh (App)-161

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-05-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341,323,324,307 and 504/34 of the Indian Penal Code.

The prosecution case, in short, is that the informant gave his fardbayan before the police that on 27.01.2013 when the informant was coming to open the ration shop, he saw that the accused persons erecting hut on his purchased land. As soon as the informant came to his land, co-accused Sahnawaj Ansari assaulted the informant by spear on his chest on the order of accused Raghunath Rai. On alarm being raised by the informant, his father (Rahat Hussan) and brother, Safiul Ansari came to rescue him, then the accused Alliul Rahman assaulted his father by Barchhi

and Afgan Ansari, petitioner No.2, along with co-accused Aklak Ansari assaulted his brother by lathi causing injury on his right hand. While the injured were taken to Hospital, the accused persons set the hut of the informant on fire.

It is submitted by learned counsel for the petitioner that there is no accusation of assault against petitioner No.1 and specific accusation of assault is against petitioner No.2 and injury has been found to be grievous in nature. Thus, the prayer for grant of anticipatory bail with regard to petitioner No.2 is rejected.

So far as petitioner No.1, Raghunath Rai, is concerned, since there is no accusation of assault levelled against him, let petitioner No.1 (Raghunath Rai) be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri B.B.Rai, Judicial Magistrate, Ist Class, Chapra in connection with Baniyapur P.S. Case No.19 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

V.P.Sinha/-

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