

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 37992 of 2016

Arising out of P.S. Case No. -32 Year- 2016 Thana -TARARI
District- BHOJPUR

- =====
1. Yogendra Rai S/o Late Ram Tawakal Rai, R/o-Village-Kharaiuna, P.S.- Tarari, Dist- Bhojpur.
 2. Raju Rai S/o Priyaranjan Ray, R/o Village- Kharaiuna, P.S.- Tarari, Dist- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s: Mrs. Sheela Sharma, Advocate.

For the State : Mr. Deepak Kumar Sinha, Advocate.

For the State : Smt. Rita Verma, APP.

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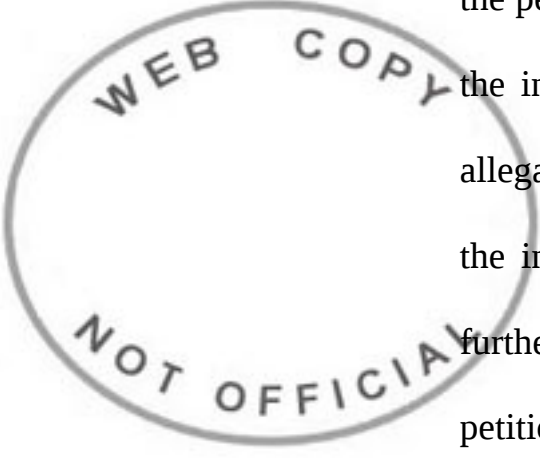
CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

02. 23.09.2016

Heard learned counsel for the petitioners, Informant and the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 325 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per the allegation, on the direction of the Circle Officer the encroachment from the land concerned was to vacate and the Informant was allegedly occupying it then the petitioners along with others came to the place and starting assaulting him.



It is contended that there is specific allegation against the petitioner no. 1 of assaulting the informant upon his head but the injury has been found simple in nature. Similarly, there is allegation against the petitioner no. 2 of assaulting the brother of the informant on head but the injury is simple in nature. It is further contended that in the FIR lodged on behalf of the petitioners also there is allegation of assault.

Learned counsel for the Informant has submitted that grievous injuries have been found on the forearm of both the Informant as well as the brother of the Informant.

Per contra, learned counsel for the petitioners has submitted that there is no allegation of assault by the petitioners either upon the forearm of the Informant or forearm of the brother of the Informant as there is allegation of assault upon head but those injuries are simple in nature and there is a case and counter-case.

Having regard to the facts and circumstances of the case, let the petitioners, namely, Yogendra Rai and Raju Rai be released on bail in the event of their arrest/surrender before the court below within a period of six weeks from today in connection with Tarari P.S. Case No. 32/2016, on furnishing bail bonds of Rs.10,000 (Ten Thousand Rupees) each with two

sureties of the like amount each to the satisfaction of Smt. Divya Jaiswal, Judicial Magistrate, 1st Class, Bhojpur at Ara or her successor subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J.)

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