

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39601 of 2016

Arising Out of PS.Case No. -29 Year- 2016 Thana -MOHAMMADPUR District- GOPALGANJ

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1. Shatrughna Rai
2. Shailesh Rai @ Shailesh Kumar Rai, s/o Ambika Rai
All are resident of Vill – Mahammadpur Pandey Tola, P.S. –
Mahammadpur, Distt - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 17-09-2016 Heard both sides.

The petitioners apprehend their arrest in Mahammadpur P.S. Case No. 29/2016, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code.

The informant Kamlesh Rai alleged that the accused persons having armed with different weapons came and Ambika Rai ordered them to demolish the house of the informant. On such, the accused persons started demolishing the house constructed under Indira Awas Scheme. On the order of Ambika Rai Shatrughna Rai petitioner no. 1 assaulted the informant with Farsa on his head. Shailesh Rai petitioner no. 2 assaulted the informant with iron rod which hit on the mandible of the informant and Ambika Rai assaulted Parbhans Rai the uncle of the informant

with iron rod on his head.

Learned counsel for the petitioners submits that there is a case and counter case. The injury found on the person of Parbhans Rai is simple in nature. Shatrughna Rai is alleged to have assaulted the informant on his head with Farsa, but the injuries opined to be simple in nature, but Shailesh Rai assaulted the informant with iron rod on his mandible broken his jaw bones which is grievous in nature.

It appears that Shatrughna Rai caused injury on the head of the Kamlesh Rai and Shailesh Rai also assaulted Kamlesh Rai with iron rod. Kamlesh Rai altogether got four injuries. Injury on his head is also extensive although simple in nature, but the injury on the mandible found to be grievous.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below learned court below shall consider their prayer for regular bail on its own merit without being prejudiced to this order.

(Prabhat Kumar Jha, J.)

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