

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23748 of 2016

Arising Out of PS.Case No. -425 Year- 2015 Thana -PATORI District- SAMASTIPUR

=====

1. Shambhu Rai @ Abhilakh Rai S/o late Lakhan Rai
2. Raj Kumar Rai S/o Jagdeo Rai
3. Lal Babu Rai S/o Ramji Rai
All Resident of Village Rupauli Chaksima; PS Patori District Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Ahmad Ali (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 26-05-2016

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 147, 148, 323, 324, 325, 307, 379 and 504 of the Indian Penal Code.

The prosecution case is that nine accused persons came variously armed and started abusing the informant. Petitioner no. 1 Shambhu Rai put the heap of the straw on fire. On protest being made petitioner no. 3 Lal Babu Rai assaulted the brother of the informant Wakil Rai with Farsa on his head. In the meantime, the informant, Vinod Rai, Gauri Shankar Prasad



Rai, Sanjay Kumar and the nephew of the informant Santosh Kumar came to rescue then petitioner no. 2 Raj Kumar Rai assaulted with Farsa to Gauri Shankar Prasad Rai, Shatrughan Rai assaulted with axe to the informant and Suresh Rai assaulted with lathi as a result the left hand of the informant got fractured. The accused persons also took away gold chain of the informant. Pintu Kumar caused cut injury to the nephew of the informant Santosh Kumar with Garasa when Raghubansh Rai was given life threatening on the point of pistol.

It is submitted by learned counsel for the petitioners that the injury caused on the head by Lal Babu Rai petitioner no. 2 has been found to be simple. Petitioner no. 2 Raj Kumar Rai alleged to have assaulted with Farsa to Gauri Shankar Prasad Rai but the said injury has been caused by hard and blunt substance. There is a counter version of the occurrence also. The FIR has not been registered under Section 435 of the IPC, though, the accusation has been levelled against petitioner no. 1 and the petitioners' side have also received injury.

A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the

event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Patori P.S. Case No. 425 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--