

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23937 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Satya Narayan Rai son of Late Musafir Rai
 2. Fudena Rai, son of Late Heera Rai.
 3. Ajay Rai son of Late Kali Charan Rai
 4. Sikander Rai alias Sikindar Rai son of Sri Mahadeo Rai.
 5. Panna Lal Rai son of Late Musafir Rai.
 6. Sukhari Rai son of Mahadeo Rai
 7. Mangal Yadav alias Mangal Rai Son of Sugarath Rai All are resident of village- Lalua, P.S.- Ghorasahan, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III
For the Opposite Party/s : Mr. Shailendra Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 04-08-2016 Heard both sides.

The petitioners, seven in numbers, apprehend their arrest in Ghorasahan P.S. case No. 38 of 2016 under Section 307 and some other sections of the Indian Penal Code.

The informant named 12 persons, including the petitioners, and alleged that they all assaulted the informant, his family members and also took away Rs. 50,000/- from the possession of the informant.

It is submitted that there is counter version being Ghorasahan P.S. case No. 37 of 2016. From the side of petitioners

also many persons were injured, of course, no injured got grievous injury from the side of petitioners. From the side of informant three persons got grievous injuries on account of fracture of bones and opinion with regard to informant is kept reserved.

On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor vehemently opposed the prayer for anticipatory bail.

It appears that out of seven petitioners there is no allegation of assault against petitioner No.1. Satya Narayan Rai and petitioner No.2. Fudena Rai.

Considering the facts aforesaid the petitioners Nos. 1 and 2, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in Ghorasahan P.S. Case No. 38 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as case of petitioners Nos. 3. Ajay Rai, 4. Sikandar Rai @ Sikindar Rai, 5. Panna Lal Rai, 6. Sukhari Rai and

7. Mangal Yadav @ Mangal Rai is concerned, they are alleged to have assaulted the informant and many others. They have got different injuries out of which three were fractured injuries on their person. Of course, there is counter version but three injured got grievous injuries and the opinion of injury of informant has been kept reserved.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners Nos. 3 to 7 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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