

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22254 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -MASRAKH District- SARAN

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1. Deo Kumar Rai S/o Krishna Rai
 2. Raj Kumar Rai S/o Krishna Rai
 3. Dharmendra Rai S/o Lal Babu Rai
 4. Shankar Rai S/o Sakal Deo Rai
 5. Santosh Rai S/o Parmeshwar Rai
 6. Lal Babu Rai S/o Pun Deo Rai All are resident of village - Karna Kudaria, P.S. Mashrak, Distt. - Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Verma
For the Opposite Party/s : Mr. A. Dayal (App)
Mr. Rakesh Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 13-07-2016 Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Mashrak P.S. Case No. 58 of 2016, disclosing offences under Sections 147,148,149,323,307,379,504 & 452 of the Indian Penal Code.

It is alleged that the petitioners entered into the house of the Informant and assaulted her with iron rod and lathi causing several injuries. There is allegation against petitioner No.6, Lal Babu Rai that he assaulted the informant with iron rod leading to bone fracture. As against petitioner No. 2, it is alleged that he

assaulted the informant on her head by lathi.

Learned counsel appearing on behalf of the petitioners has submitted that motive behind the occurrence is conspicuous by its absence. It has further been submitted that the injury report does not corroborate the allegations made in the First Information Report.

Learned counsel appearing on behalf of the Informant has vehemently opposed the prayer for bail and has submitted that considering the manner of occurrence, the petitioners do not deserve the privilege of anticipatory bail. Learned Additional Public Prosecutor has also reiterated the same version.

However, considering the fact that the petitioners have no criminal antecedents and nothing specific is coming forth as to why the occurrence has taken place, this application is allowed.

Let the petitioners above-named in the event of their arrest/surrender within four weeks from today in the court below, be released 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 ACJM. VIII, Saran at Chapra in Mashrak P.S. Case No. 58 of 2016 (G.R. No. 1192 of 2016), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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