

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18822 of 2016

Arising Out of PS.Case No. -70 Year- 2016 Thana -CHAPRA TOWN District- SARAN

- =====
1. Kamlesh Rai @ Kamlesh Kumar Rai Son of Ramjeet Rai
 2. Bagesh Rai Son of Ramjeet Rai
 3. Pappu Kumar Son of Bagesh Rai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-05-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323, 324, 325, 379, 384, 307 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case is that on 30.09.2015 at 6 P.M. when the informant was sitting in his premises the accused persons came variously armed and started assaulting the informant. It is alleged that petitioner no.1 Kamlesh Rai pressed abdomen part of the informant whereas petitioner no.2 Bagesh Rai pressed the neck of the informant when informant's parents came to rescue then they were also assaulted by the accused persons. It is also

alleged that petitioner no.3 Pappu Kumar resorted to fire in the air when Rambha Devi snatched gold chain and took away Rs.1000/- from the pocket of the informant.

It is submitted by learned counsel for the petitioners that the petitioners are agnate of the informant and in the background of land dispute the accusation has been levelled. At earlier point of time petitioner no.1 Kamlesh Rai lodged Chapra Town P.S. Case No.361/2015 against the informant and for the occurrence 30.09.2015, the complaint was filed on 03.10.2015, which came to register as police case on 27.01.2016. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

It is further submitted that no injury was caused to the informant, statement to that effect has been made in paragraph 8 of the petition, which reads as follows :-

"That there is not any injury found on the person of the informant"

Considering the delayed lodging of the case and the case lodged by the petitioners' side at earlier point of time, 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 12 weeks from today, on furnishing bail bond of

₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saran at Chapra in connection with Chapra Town P.S. Case No.70/2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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