

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15137 of 2017

Arising Out of PS.Case No. -112 Year- 2016 Thana -MOHAMMADPUR District- GOPALGANJ

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1. Bageshwar Rai, S/o Anirudh Rai,
2. Chandan Kumar @ Chandan Rai, S/o Bachcha Rai
3. Manoj Kumar @ Manoj Rai, S/o Late Alakhdeo Rai.
4. Sanjeev Rai, S/o Ambika Rai, All are Resident of Village- Fatehpur, P.S.
Mahammadpur, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

4 06-07-2017 Vide order dated 07.04.2017, the application for anticipatory bail of petitioner no. 1, Bageshwar Rai, was dismissed as withdrawn.

Learned counsel for the petitioners submits that petitioner no. 4 has already been arrested by the police, so he seeks permission to withdraw this application.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn against the petitioner no.4.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.



The petitioner nos. 2 and 3 apprehend their arrest in connection with Mahammadpur P.S. Case No. 112 of 2016 registered under Sections 147, 148, 149, 341, 323, 448, 324, 307, 427, 379 and 504 of the Indian Penal Code.

The accusation is that, on 26.12.2016, ten persons named in the F.I.R. including the petitioners came at the door of Bhola Rai, brother of the informant, armed with lathi, Farsa, bhala and iron rod. At that time, on the instruction of Bageshwar Rai (petitioner no.1), Anil Rai gave bhala blow at the leg of Bhola Rai, on which, he fell down then Sunil Rai and Chandan Rai (petitioner no.2) also gave Farsa blow at the head of Bhola Rai. When the informant rushed to save him then Bhushan Rai also caused injury to him through Farsa.

Learned counsel for the petitioner nos. 2 and 3 submits that occurrence took place due to land dispute, in which, petitioners' side also sustained injury, regarding which, Mahammadpur P.S. Case No. 113 of 2016 was instituted on the basis of written report of petitioner no.1. Moreover, no specific overt act has been attributed against the petitioner no. 3, Manoj Kumar. Further submission is that while the allegation has been made against petitioner no.2, Chandan Kumar to cause injury through Farsa at the head of Bhola Rai but the injury as found on



the person of Bhola Rai is of simple in nature.

Having regard to the facts and circumstances of the case, let the above named petitioner nos. 2 and 3 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Additional Chief Judicial Magistrate-I, Gopalganj, in connection with Mahammadpur P.S. Case No. 112 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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