

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38161 of 2017

Arising Out of PS.Case No. -27 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Hare Kishun Rai @ Hare Krishna Rai Son of Ramashish Rai
2. Rahul Kumar Son of Hare Kishun Rai
3. Prabhat Kumar Son of Hare Kishun Rai All Resident of Village- Kalyanpur (West) Bibhutipur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 17-08-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bibhutipur P. S. Case No.27 of 2017 for the offences punishable under Sections 341, 323, 324, 325, 307 and 354/34 of the Indian penal Code.

It has been submitted that on the order of petitioner No.1, his two sons, petitioner nos. 2 and 3 assaulted the informant by iron rod, lathi and knife due to which the informant sustained injuries. It has also been submitted that both parties are agnates and the matter has been settled and compromise petition to this effect has been filed before the Court below and the learned A.P.P. on the other hand opposes the prayer for bail.

The allegation is of assault and causing fracture on the



hand is specific against the petitioner no.2. The petitioner No.1 is order giver and petitioner No.3 had assaulted him by lathi .

So considering the omnibus allegation of assaulting the informant, the prayer for anticipatory bail of petitioner Nos. 1 and 3, namely, Hare Kishun Rai @ Krishna Rai and Prbhat Kumar is allowed and in the event of their arrest or surrender before the Court below within a period of six weeks, they be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each in connection with Bibhutipur P.S.Case No. 27 of 2017 to the satisfaction of the learned Additional Chief Judicial Magistrate, 4th Rosera, District, Samastipur Heard learned counsel for the petitioner and the learned A.P.P. for the State.

So far, petitioner No. 2, Rahul kumar, is concerned, he had caused fracture on the hand of the informant and so I am not inclined to grant him anticipatory bail and so his prayer is rejected.

If the petitioner No. 2 surrenders before the Court below and pray for regular bail, his prayer shall be considered on merit on the same day without being prejudiced by the order of this Court.

(Sanjay Kumar, J)

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