

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39055 of 2017

Arising Out of PS.Case No. -284 Year- 2016 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

- =====
1. Birchandra Ray
 2. Shambhu Ray
 3. Mithilesh Ray @ Mithilesh Prasad, S/o Ram Ikbali Ray, R/o Village-
Lalpokhar Dighi, P.S.-Sadar Hajipur, District-Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Sadar Hajipur P.S. Case No. 284 of 2016 instituted for the offence under Sections 323, 341, 324, 325, 308, 354, 379, 504 and 447/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that earlier petitioner was given benefit of Provision of Section 41A of the Cr. P.C. The Police after investigation submitted charge sheet under Section 308 of the Indian Penal Code and other allied Sections.

There is allegation in the written report that petitioner No. 1 assaulted the informant on his left leg with *Hasua* and Shambhu Ray (petitioner No. 2) assaulted with *lathi* on his hand.

The injury report has been enclosed as Annexure-2



wherein the Doctor has found incised wound 2" x 1/4" on left side of left leg and till x-ray report, opinion was kept reserved.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Sadar Hajipur P.S. Case No. 284 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, XIII, Vaishali at Hajipur, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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