

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12269 of 2017

Arising Out of PS.Case No. -220 Year- 2016 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Bablu Ray,
 2. Ramnath Ray, both are Son of Mahendra Ray, Resident of village -
Sraybanwari, P.S. Mehshi, District - East Champaran

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vinod Gautam, Advocate

For the Opposite Party : Mr. Sri Shyam Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 21-04-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection with Mehasi P.S. Case No.220 of 2016, registered for the offences punishable under Sections 323, 324, 307, 448, 379, 504, 506/34 of the Indian Penal Code.

Allegedly, the petitioners and other co-accused named in the F.I.R. came abusing, resulting, the informant fled away in the house and closed the door, but the accused persons broke opened the door and entered into the courtyard and started assaulting the informant and his family members with sword, lathi, farsa. Bablu Ray gave sword blow on the head of the informant



whereas Ramnath Ray and Deonath Ray gave sword blow on Sukhdeo Ray the father of the informant. Kamlesh Ray and Ramnath Ray assaulted the mother of the informant with danda and fractured her left hand and further snatched gold *Jiutiya* valuing Rs. 5,000/-.

Submission is of false implication and that there is case and counter case, this is counterblast case of Mehsi P.S. Case no. 219 of 2016, there was free fight between the parties. The informant side is aggressor, the injuries found on the person of the injured of this case are simple in nature and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. seriously opposes the prayer of pre-arrest bail by submitting that both the petitioners have assaulted on head with sword.

In the facts and circumstances as stated above, considering that vital part of the body was injured by the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with Mehasi P.S. Case No. 220 of 2016 (G.R. Case No. 6374 of 2016), pending in the Court of learned A.C.J.M. 6th Motihari.

However, in case and if so advised the petitioners



surrender and seek regular bail within 06 (six) weeks then their prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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