

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39095 of 2017**

Arising Out of PS.Case No. -224 Year- 2017 Thana -BRAHMPUR District- BUXAR

- =====
1. Radha Krishna Pandey, son of late Dwarika Pandey, R/o Village-Sapahi P.S. Brahampur, Dist. Buxar.
  2. Amit Kumar Rai, son of late Jagarnath Rai, R/o Village-Boksa, P.S. Buxar (M), Dist. Buxar. at present village-Sapahi P.S. Brahampur, Dist. Buxar.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate  
For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

=====

**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 Brahampur P.S. Case No. 224 of 2017 instituted for the offence under Sections 341, 323, 448, 307, 326, 504 and 506/34 of the Indian Penal Code.

It is alleged that on the order of Radha Krishna Pandey (petitioner No. 1), petitioner No. 2 assaulted the informant with iron rod after entering into the house with intention to kill him, due to which, the informant became unconscious.

The injury report has been enclosed as Annexure-2 wherein the Doctor has found two injuries on the scalp caused by



hard and blunt substance and the injuries were found to be simple in nature.

From the written report it appears that there is repetition of blows and there is two injuries on vital part of the body of informant, caused by petitioner No.2 namely, Amit Kumar Rai. Therefore, this Court is not inclined to grant him anticipatory bail.

Prayer for anticipatory bail of petitioner No. 2 namely, Amit Kumar Rai, stands rejected. He may surrender before the court below and make prayer for regular bail.

So far as petitioner No. 1 namely, Radhakrishna Pandey is concerned, there is general and omnibus allegation against him, prayer for anticipatory bail of the petitioner No. 1 namely, Radhakrishna Pandey, is allowed. In the event of surrender/arrest of the petitioner No. 1, named above, within six weeks from today, in connection Brahampur P.S. Case No. 224 of 2017, 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 Chief Judicial Magistrate, Buxar, 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)**

S.Ali/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

