

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48055 of 2017

Arising Out of PS.Case No. -207 Year- 2017 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Moti Rai, Son of Sukhal Rai.
2. Shambhu Rai, Son of late Magani Rai, Both Resident of Village-Bhada,
P.S. Harsidhi, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 12-10-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Harsidhi P.S. Case No. 207 of 2017, registered under
Sections 341, 447, 323, 324, 307, 504 and 379/34 of the Indian
Penal Code.

The accusation is of informant, Manju Devi, is that
due to land dispute, Harendra Rai, came at her door and started to
abuse, on which, Praphu Rai, husband of the informant made
protest then Harendra Rai caused injury at his leg through iron
rod. On raising alarm, when she came to save her husband then
Moti Rai (petitioner no. 1) caused injury near her right eye. In the
meantime, when Shankar Rai, brother-in-law of the informant,



came to save them then he was assaulted by Shambhu Rai (petitioner no.2) causing injury at his head through Farsa.

Learned counsel for the petitioners submits that, in fact, occurrence took place due to land dispute, in which, petitioners' side also sustained injury, regarding which, Harsidhi P.S. Case No. 209 of 2017 is also instituted on the basis of written report of Haribabu Rai.

On the other hand, learned counsel for the informant submits that injuries as said to be caused by Moti Rai (petitioner no. 1) at the informant is of simple in nature, but the injury of Shankar Rai, brother-in-law of the informant, which is attributed by Shambhu Rai (petitioner no.2) is grievous in nature.

Having regard to the facts and circumstances of the case, let the above named petitioner 1, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari, in connection with Harsidhi P.S. Case No. 207 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as the prayer for anticipatory bail of petitioner



no. 2, Shambhu Rai, is concerned, having considered the facts and circumstances of the case and the nature of allegation against him, I am not inclined to grant anticipatory bail to him. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no.2 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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