

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41293 of 2017

Arising Out of PS.Case No. -261 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Lalbabu Rai, Son of late Rudal Rai,
2. Babuniya Devi, Wife of Lalbabu Rai.
3. Ranjan Rai, son of Lalbabu Rai.
4. Niraj Rai, son of Lalbabu Rai.
5. Nitesh Rai, son of Lalbabu Rai. All are resident of Village- Basantpur,
P.S.- Muffasil, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-11-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Muffasil P.S. Case No. 261 of 2017 instituted for the offence under Sections-307, 379 of the Indian Penal Code.

There is specific allegation against petitioner No. 1 of assaulting the son of the informant with iron rod on different parts of the body, causing injury on nose, lips and forehead etc. It is also alleged that Lal Babu Rai (petitioner No. 1) assaulted the informant with iron rod.

C.D. has been received.

The learned APP has pointed out towards injury report of brother of the informant wherein the doctor has found total four injuries



on the part of upper lip, bruise on lt. side of clavicle, swelling of Lt. side of temporal region and swelling on upper lip and nose. The doctor has found fracture of nasal bone and the same is found to be grievous in nature.

In such circumstances, this court is not inclined to grant anticipatory bail to petitioner No. 1 and accordingly, prayer for his anticipatory bail stands rejected.

The petitioner No. 1 is directed to surrender in the court below and seek regular bail which will be considered and disposed of on its own merit without being prejudiced by this order.

So far as petitioner Nos. 2 to 5 are concerned, there is general and omnibus allegation against them.

Accordingly, prayer for anticipatory bail of petitioner Nos. 2 to 5 is allowed and it is ordered that the petitioner Nos. 2 to 5 named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Muffasil P.S. Case No. 261 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner Nos. 2 to 5 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 petitioner and (3) if petitioner Nos. 2 to 5 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 petitioner Nos. 2 to 5.

(Sanjay Priya, J)

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