

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53085 of 2016

Arising Out of PS.Case No. -101 Year- 2016 Thana -SIMRI District- DARBHANGA

=====

1. Kailash Bhagat
2. Mahadev Bhagat @ M.S. Raj
3. Prahlad Bhagat All are sons of Ram Balli Bhagat and all are residents of
Village- Banuli, Police Station- Simari, District- Darbhanga
.... Petitioners

Versus

1. The State of Bihar
.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Girish Chandra Jha, Adv.
For the State : Mr. Bharat Bhushan, APP 156
For the informant : Mr. Dharmendra Jha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 09-02-2017 Heard the learned counsel for the petitioners, the informant and the State.

This is a petition for grant of anticipatory bail for offence under Sections 341, 342, 323, 307, 354, 379, 385 and 34 of the Indian Penal Code.

During course of assault between the parties, petitioner no. 1, Kailash Bhagat and petitioner no. 2, Mahadeo Bhagat @ M.S. Raj, allegedly caused injury on the head of the informant and Ram Swarath Bhagat.

Petitioner no. 3, Prahlad Bhagat, caused injury to Manju Devi, who has not sustained any injury on the vital part.

Submission of the petitioners is that there is a case and counter case. The doctor has found simple head injury, caused by hard and blunt substance.

Considering the fact that petitioners 1 and 2, namely, Kailash Bhagat and Mahadev Bhagat @ M.S. Raj, had knowledge that their assault might cause death, I am not inclined to grant them anticipatory bail.

The prayer for anticipatory bail on behalf of



petitioners 1 and 2 is **rejected**.

Let petitioner no. 3, Prahlad Bhagat, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Simari P.S. Case No. 101 of 2016** (G.R. No. 3326 of 2016) to the satisfaction of the **Chief Judicial Magistrate, Darbhanga**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

SA/-

U	√	T	√
---	---	---	---

