

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47939 of 2017

Arising Out of PS.Case No. -236 Year- 2016 Thana -RIVILGANJ District- SARAN

- =====
1. Kawleshwar Rai @ Kaleshwar Rai, Son of Late Lallan Rai,
 2. Uttam Kumar Yadav @ Uttam Kumar Son of Kawleshwar Rai,
 3. Subash Rai Son of Late Shivrath Rai,
 4. Kamaldeo Rai, Son of Late Lallan Rai,
- All are R/o Village- Saraundha, P.S.- Rivilganj, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Rivilganj P.S.

Case No. 236 of 2016 instituted for the offence under Sections
341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code.

It has been submitted that there is land dispute
between the parties. Kamaldeo Rai (petitioner No.4) has lodged
case against the informant and others vide Rivilganj P.S. Case No.
230 of 2016.

Learned counsel for the informant has submitted that
there is specific allegation against petitioner No. 1 that he
assaulted the informant with iron rod on his hand due to which he



sustained fracture injury. It has further been submitted that Rivilganj P.S. Case no. 230 of 2016 has been lodged by petitioner No. 4 on the same day after one hour of lodging the instant case by the informant, as a defence.

From the written report it appears that there is specific allegation against petitioner No. 1 of causing injury with iron rod on the hand of the informant and the Doctor has found fracture injury which was grievous in nature.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner No. 1 namely, Kawleshwar Rai @ Kaleshwar Rai.

Prayer for anticipatory bail of petitioner No. 1 stands rejected.

Petitioner No. 1 may surrender before the court below and make prayer for regular bail.

So far petitioner Nos. 2, 3 and 4 are concerned, there is general and omnibus allegation that they assaulted the prosecution party and injury was found on the persons of the injured were simple in nature. Therefore, prayer for anticipatory bail of petitioner Nos. 2, 3 and 4 namely, Uttam Kumar Yadav @ Uttam Kumar, Subash Rai and Kamaldeo Rai, is allowed. In the event of surrender/arrest of the petitioner Nos. 2, 3 and 4, named



above, within six weeks from today, in connection with Rivilganj P.S. Case No. 236 of 2016, 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 Additional Chief Judicial Magistrate-VIII, Saran at Chapra, 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.

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(Sanjay Priya, J)

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