

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53952 of 2017

Arising Out of PS.Case No. -101 Year- 2017 Thana -SARSI District- PURNIA

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1. Radhika Devi @ Smt. Radhika Devi, W/o Vijai Ram

2. Anjani Kumari, daughter of Vijai Ram

3. Vijai Ram, son of Late Jagdish Ram

All are resident of Mohalla Refuji Tola, P.S. – Sarsi, District – Purnea.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 09-11-2017

Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners, in the present, case, are seeking Anticipatory Bail in connection with Sarsi P.S. Case No. 101/2017 for the offences under Sections 341, 323, 308, 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that there was a dispute over a petty issue between the parties on 04.08.2017, the present case came to be lodged two days thereafter. The allegation against petitioner no. 3 is that he had given an iron rod blow on the head of the informant which resulted in head injury. It is further alleged that petitioner no. 1 and 2 also started assaulting



the informant by spade and *lathi*. Learned counsel for the petitioners points out with reference to the injury report as contained in Annexure-2 that although there is an injury reported on the head but no spade injury has been found and the injury on the head has also been found to be simple in nature.

On the other hand, learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case, in the event of their arrest/surrender before the court below within a period of four weeks, let the petitioner nos. 1 and 2, above-named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Sarsi P.S. Case No. 101/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner no. 3 is concerned, his prayer for anticipatory bail is rejected, but in case he surrenders in the court below within a period of four weeks



from today and prays for regular bail, the same shall be considered by the court below on the basis of the materials available on the record and taking into consideration that the injury as per Annexure-2 is said to be simple in nature.

This application is disposed of.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

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