

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53437 of 2017

Arising Out of P.S.Case No.36 Year- 2017 Thana -BAUSI District- PURNIA

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1. Rajendra Rai, S/o Gambhir Rai,
 2. Mangan Rai S/o Rajendra Rai,
 3. Dukhuwa Rai S/o Rajendra Rai,
 4. Pathlu Rai S/o Rajendra Rai,
 5. Vijay Rai S/o Rajendra Rai,
 6. Shatrughan Rai S/o Rajendra Rai,
 7. Baduran Devi W/o Rajendra Rai,
 8. Chaiti Devi W/o Dukhuwa Rai, All R/o Village- Marwa, P.S.- Baisi,
District- Purnia.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Kumari Ritambhara, Advocate
For the Opposite Party : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 13-11-2017 Heard.

2. The petitioners apprehend arrest in connection with Baisi P.S.Case No.36 of 2017 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 379 of the IPC.

3. It is alleged that on 12.03.2017 when the informant along with his brother and nephew was returning to his house after lodging the FIR against the petitioners, they intercepted them and assaulted by means of sword lathi and Danda. The nephew of informant sustained injuries on his head. The injurds were moved



to PHC Baisi and thereafter to Sadar Hospital.

4. Learned counsel for the petitioners submits that the petitioners and informant are agnates and they were at litigating term for land dispute. It was the informant and his men who assaulted the petitioners for which Baisi P.S.Case No.34 of 2017 was registered for the offence punishable under Sections 307, 354B, 379, 504 and 506 of the IPC. All the cases between the parties have been compromised and so the petitioners deserve anticipatory bail.

5. The learned APP opposed the submissions.

6. On perusal of FIR, I find that the specific allegation of causing injuries on the head of Fudir Rai by sword is against Mangan Rai (petitioner no.2). The injured Fudir Rai sustained injury measuring 4.1/4x1/2"x1/2" over the head. Besides one injury over thumb caused by sharp cutting weapon. These two injuries were caused repeatedly by said Mangan Rai (petitioner no.2). So considering the nature of injuries caused by sharp cut weapon, I am not inclined to grant anticipatory bail to petitioner no.2 Mangan Rai. His prayer of anticipatory bail is, therefore, rejected.

7. So far petitioner nos.1 and 3 to 8 are concerned, there is omnibus allegation of assault against them and there is no



antecedent. Some of the petitioners have also sustained injuries.

8. Having regards to nature of allegation facts and circumstances, the anticipatory prayer for bail of rest seven petitioners is allowed. Let the petitioners, namely, Rajendra Rai, Dukhuwa Rai, Pathlu Rai, Vijay Rai, Shatrughan Rai, Baduran Devi and Chaiti Devi be released on anticipatory in the event of their arrest or surrender before six weeks from today on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of CJM, Purnea in connection with Baisi P.S.Case No.36 of 2017, subject to the conditions as laid down under Sections 438(2) of the Cr.P.C.

9. Accordingly, this application is disposed of.

(Sanjay Kumar, J)

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