

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1831 of 2018

Arising Out of PS. Case No.-165 Year-2017 Thana- BANIAPUR District- Saran

Dayanand Rai, Son of Kailash Rai, resident of Village- Kanhauli Manohar
Tola- Chetan Chapra, P.S.- Baniyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 302 and 34 of the
Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Sushila Devi, recorded by Upendra Sharama, Sub-Inspector of
Police of Baniyapur Police Station is to the effect that on
26.06.2017 her father-in-law and brother Indrasan Rai went to
the house of Dhananjay Singh for participating as Panch in a
partition dispute. Subsequently, when Indrasan Rai was
returning from the house of Dhananjay Singh co-accused,
Shatrughan Rai and Dayanand Rai caught hold of him and
assaulted with fists and slaps near their house, as a result



Indrasan Rai fell near a well. On witnessing the same, the informant raised alarm, upon which other persons came and took the informant on a cot to a hospital, but on the way he died. The assault was made in the background of partition dispute.

It is submitted by learned counsel for the petitioner that the petitioner is the agnate of the informant. The post-mortem report contained in Annexure-A does not corroborate the accusation as no external and internal injury has been found. The cause of death has not been ascertained by the doctor. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. Thakur, learned APP for the State that there is specific accusation of assault levelled against the petitioners.

Considering the accusation being not corroborated by the medical opinion, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent., let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



ACJM, XI, Saran at Chapra, in connection with Baniyapur P.S.
Case No. 165 of 2017, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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