

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38221 of 2018

Arising Out of PS. Case No.-22 Year-2018 Thana- PATORI District- Samastipur

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1. Sadhu Rai @ Sadu Rai, Son of Triveni Rai,
 2. Manish Kumar @ Manesh Kumar, Son of Sadhu Rai, Both residents of Village- Jalalpur Mohanpur, P.S.- Shahpur Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sourendra Pandey
For the Opposite Party/s : Mr. Sri Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 02-07-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in Shahpur Patori P.S.
case no. 22 of 2018 instituted for the offence under Section(s)
307, 323, 324, 341 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
petitioner no.1 is own brother of husband of the informant.
Petitioner no.2 is son of petitioner no.1. The instant case has
been filed on account of land dispute. Both parties are living
in the same courtyard.

In the written report, it is alleged that these petitioners
have forcefully cut the mango tree standing on the land of the
informant. The informant and her husband raised objection then



accused persons assaulted the husband of the informant with fists and slaps and also with lathi and danda. It is alleged against petitioner no.1 that he assaulted with lathi on the hand of the husband of the informant causing fracture. The allegation against petitioner no.2 is that he assaulted the informant on her head causing injury.

Learned counsel for the petitioners has produced the Xerox copy of the injury report during hearing of the bail petition which shows that the injury no.1 on the head of the informant was found to be simple. Injury no.2 at the wrist joint was opined to be grievous in nature. The learned Sessions Judge, Samastipur has also discussed about the injury report in the impugned order.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Shahpur Patori P.S. case no. 22 of 2018, 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 the learned C.J.M., Samastipur, 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.

(Sanjay Priya, J)

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