

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70088 of 2018

Arising Out of PS. Case No.-226 Year-2017 Thana- BHAGWANPUR District- Begusarai

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1. Bhushan Rai, Son of Deep Narayan Rai,
 2. Chandan Rai, Son of Tej Narayan Rai,
 3. Tej Narayan Rai, Son of Siyaram Rai,
 4. Raushan Rai, Son of Deep Narayan Rai,
 5. Rakesh Rai, Son of Deep Narayan Rai, All residents of Village-Sherpur, P.S.- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-12-2018 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioners and Mr. J.N. Thakur, learned APP for the
State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 323, 324, 307, 380, 504 and 506 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Ram Prakash Rai recorded by Purushottam Kumar Jha, A.S.I. of Town P.S. Begusarai on 02.12.2017 at 9.45 P.M. in the clinic of Dr. Shashi Bhushan Prasad Sharma is to the effect that ten accused persons variously armed came on 30.11.2017 at about



10.00 P.M. Subsequently, on 02.12.2017 at 4.00 P.M. eight accused persons including the petitioners variously armed came and entered into the house and dragged the informant. It is alleged that co-accused Santosh Rai (non-petitioner) assaulted with the butt of the pistol on the head of the informant, co-accused Ramchandra Rai (non-petitioner) with iron rod, Deep Narayan (non-petitioner) with dagger, Bhushan Rai (petitioner no. 1) with iron rod, Raushan Rai (petitioner no. 4) with Farsa, Rakesh Rai (petitioner no. 5) with Garasa, Tej Narayan Rai (petitioner no. 3) with dagger, Chandan Rai (petitioner no. 2) with pistol, assaulted the informant with intention to kill him, when the informant's wife Manju Devi, nephew Manoj Rai came to rescue, then he was pierced injury with dagger and wife of the informant also received injuries at the hands of the accused persons.

It is submitted by learned counsel for the petitioners that the injury of the informant suggests only cut injury on the mid line of scalp which has subsequently been found to be grievous. The other injury is swelling over the right chest. Though, as per the FIR six persons indiscriminately assaulted the informant but virtually only one substantial injury has been found on the head which is alleged to have been caused by



Santosh Rai. With regard to other accused persons, though, they were armed with sharp cutting weapon, but it is not alleged that which assault was fatal, however, it is alleged that co-accused Santosh Rai assaulted with the butt of the pistol on the head of the informant. Similar accusation of assault on Manoj Rai has also been levelled, but it is not specific, however, Manoj Rai has received one grievous injury, fracture on the right nasal bone but the accusation of assault to Manoj Rai is not specific. Moreover, it is alleged in the FIR that Manoj Rai was assaulted with dagger but no pointing or piercing injury was found on his person rather injury report suggests that he has received cut injury and considering this fact, co-accused Ramchandra Rai has been granted anticipatory bail vide Cr. Misc. No. 64464 of 2018. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the accusation being not corroborated by medical opinion, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the



learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Bhagwanpur P.S. Case No. 226 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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