

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25408 of 2018

Arising Out of PS.Case No. -346 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Arun Rai, S/o Ganika Rai,
2. Ajay Rai S/o Ganika Rai,
3. Uday Rai @ Suday Rai S/o Ganika Rai, All R/o Vill.- Rajpur Tola,
Ganeshpur, P.S.- Keshariya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-05-2018

Heard the learned counsels for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Keshariya P.S. Case No. 346/2016 dated 25.12.2016 instituted for the offences under Sections 341, 323, 324, 325, 307, 354 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioners has pointed out that charge-sheet in this case has been submitted under Sections 341, 323, 308, 354 and 379/34 of the Indian Penal Code but cognizance has been taken under Sections 307 and other Sections of the Indian Penal Code.

The petitioners were granted police bail during the course of investigation. However, with the cognizance under



Section 307 of the Indian Penal Code having been taken by the learned court below, the petitioners have approached this Court for grant of anticipatory bail.

Though the petitioners have been alleged to have assaulted the informant and her husband by sharp cutting weapon but the injuries suffered by them are superficial in nature and have been caused by hard and blunt substance. The petitioners are agnates of the informant and the witnesses of this case.

Considering the aforesaid facts, it is directed that if petitioners surrender before the court below and seek bail, the court below shall consider it in the right perspective, taking into account that the petitioners did not misuse the privilege of police bail and shall pass an order, preferably on the same day. The court below shall also take into account that some of the other accused persons have been granted anticipatory bail by the High Court.

With the aforesaid observation, the present bail petition is disposed off.

(Ashutosh Kumar, J.)

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