

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19857 of 2018

Arising Out of PS. Case No.-116 Year-2017 Thana- SONBERSA District- Sitamarhi

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1. Jagarnath Rai S/o Bhuneshwar Rai, Vill + Post Parsa Mahinda, P.S.-Sonbarsa, Dist.-Sitamarhi
 2. Bainjnath Rai @ Baidnath Rai S/o Bhuneshwar Rai Vill+Post Parsa Mahinda, P.S.-Sonbarsa, Dist.-Sitamarhi.
 3. Ashok Kumar @ Mukesh Rai S/o Jagarnath Rai Vill+Post Parsa Mahinda, P.S.-Sonbarsa, Dist.-Sitamarhi.
 4. Guddu Rai S/o Baijnath Rai Resident of Village-Post Parsa Mahinda, P.S.-Sonbarsa, Dist.-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 341, 324, 354, 379 and 504 of the Indian Penal Code, though it appears that on conclusion of investigation and submission of Final Report, the cognizance has been taken under Sections 326, 307 and 506 of the I.P.C. also.

The prosecution case got initiated on the Fardbeyan of Brij Kishore Rai, recorded by ASI Dinesh Prasad of Sonbarsa Police Station on 23.04.2017 at 2.00 AM at Sadar hospital, Sitamarhi,



to the effect that on 22.04.2017 at 11.00 P.M. while the informant was going to sleep, the accused persons including the petitioners being variously armed, entered into the house of the informant and started abusing him. On protest being made on the order of co-accused Bhuneshwar Rai, co-accused Mukesh Rai assaulted the informant with dabiya, petitioner no.4 Guddu Rai assaulted with iron rod and petitioner nos. 1 and 2 assaulted with lathi. When the wife of the informant Sunita Devi came to his rescue, she was assaulted by petitioner no.2 Baijnath Rai with dabiya causing injury on her neck, whereas, petitioner no.4 Guddu Rai assaulted her with iron rod. It is also alleged that petitioner no.1 Jagarnath Rai snatched gold mangal sutra from the wife of the informant.

It is submitted by learned counsel for the petitioners that the petitioners are agnates of the informant and in the background of land dispute, the accusation has been levelled. The impugned order reflects that the learned Sessions Judge after going through the case diary was found that the injuries are simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the



State that there is specific accusation against the petitioners to have assaulted the informant and her wife.

Considering the nature of accusation, particularly, when the injuries have been found to be simple in nature and investigation has already concluded, coupled with statement made in paragraph no.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 12 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 the learned CJM, Sitamarhi, in connection with Sonbarsa P.S. Case No.116/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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