

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23744 of 2018

Arising Out of PS.Case No. -448 Year- 2017 Thana -BHAGWAN BAZAR District- SARAN

=====

Harendra Rai, S/o Late Chhotelal Rai, resident of Village- Ratanpura
Ojhatoli, P.S. Bhagwan Bazar, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 26-04-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 323, 324, 341, 379, 447, 504, 506 and 114 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Jaiprakash Rai recorded by A.S.I. of Bhagwan Bazar P.S. on 06.11.2017 at 7.30 A.M. at Sadar Hospital, Chapra, is to the effect that on 05.11.2017 at 9.30 A.M. when the informant was in his house the accused persons came variously armed and started abusing the informant. On protest being made, co-accused Upendra Rai ordered to kill, upon which the accused



persons started assaulting the informant. Co-accused Upendra Rai assaulted with Farsa on the head of the informant causing cut and bleeding injury, co-accused Mantu Rai assaulted with iron rod on right hand and when the father of the informant, Bhagwan Rai and brothers Manoj Rai and Om Prakash Rai came to rescue, then co-accused Kavindra Rai assaulted the father of the informant with Farsa. The petitioner Harendra Rai assaulted Om Prakash Rai, the brother of the informant, with iron rod causing bleeding injury. Co-accused Chhathilal Rai snatched gold chain and cash of Rs.3,000/-.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of land dispute and that the injury of the brother of the informant, whom the petitioner is alleged to have assaulted, has been found simple. There is counter version of the occurrence, being Bhagwan Bazar P.S. Case No. 447 of 2017 registered under Sections 307, 302 of the Indian Penal Code against the informant and others as one of the person from the petitioner's side died. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the



accusation of assault is specific against the petitioner.

Considering the fact that in the background of land dispute the accusation has been levelled and in counter version one person had died, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 448 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

