

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27142 of 2018

Arising Out of PS. Case No.-129 Year-2017 Thana- AWTARNAGAR District- Saran

Raju Rai @ Raju Kumar, Son of Jawahar Rai resident of Village - Santha,
P.S.- Awtar Nagar, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-05-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323 and 504/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Lalti Devi, dated 10.09.2017, submitted to the Station House Officer, Awatar Nagar is to the effect that on 09.09.2017, at 7 AM, the petitioner, Raju Rai, while going through the door of the informant, abused the informant and when the informant made protest then petitioner, Raju Rai and co-accused Amarjeet Rai started assaulting the informant. On hearing the alarm, the husband of the informant, reached on the spot whereupon co-accused Jawahar Rai, Mahesh Rai, Rahul Kumar, Rohit Kumar and Pankaj Kumar started assaulting the husband of the



informant. It is also alleged against the petitioner that he resorted to fire twice, however, the same did not hit anyone.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled. From the accusation made in the FIR, it appears that no injury has actually been caused to either the informant or her husband. The petitioner's side also lodged a case against the informant being Ahiya Pur P.S. Case No. 130 of 2017, registered for the offences punishable under Sections 341, 323, 504, 506 and 379 of the IPC. The offence alleged under the provisions of IPC are bailable. The only non-bail offence alleged in the FIR is Section 27 of the Arms Act. A statement has been made in paragraph no.3 of the petition that the petitioner is involved in one other case also, however, he is on bail in the said case.

Learned APP submits that thrust of accusation is against the petitioner.

Considering the nature of accusation, particularly prima facie, it appears that no one received any injury, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount



each to the satisfaction of learned Addl. Chief Judicial Magistrate-XI, Saran at Chapra in connection with Awatar nagar P.S. Case No. 129 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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

