

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58648 of 2017

Arising Out of PS.Case No. -132 Year- 2017 Thana -EKMA District- SARAN

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1. Sipahi Rai,
2. Bishwanath Rai, Both are Sons of Late Siyani Rai,
3. Dilip Rai @ Dilip Kumar Rai, Son of Bishwanath Rai, All are resident
of Village- Gajiyapur, P.S.- Ekma, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Anish Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-01-2018 Heard learned counsel for the petitioners and leaned
A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Ekma P.S.Case No. 132 of 2017 registered for offences
punishable under Sections 447, 341, 323, 324, 504 and 307 of
the Indian Penal Code.

Allegation according to the informant is that while
the accused person, namely, Bishwanath Rai was constructing a
hut on litigated plot, the informant had objected the said
construction, however accused persons, including the petitioner
had assaulted the informant by means of various weapons.

Learned counsel for the petitioner submits that as far
as the petitioners are concerned, there is general and omnibus
allegation of assault by means of fists and slaps.

It is submitted that the petitioners have clean



antecedents and have been falsely implicated in the present case and the specific allegation of assault by dangerous weapon like spade and knife is on the co-accused persons namely, Vikash Rai, Jitendra Rai and Jamadar Rai.

Considering the fact that the petitioners have clean antecedents and no allegation of any specific overt act has been leveled against them, I find it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, above named petitioners are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within six weeks from today on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra, Saran in connection with Ekma P.S.Case No. 132 of 2017, subject to the conditions enumerated under Section 438 (2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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