

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50 of 2018

Arising Out of PS. Case No.-187 Year-2017 Thana- PATORI District- Samastipur

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1. Tuntun Rai son of Bisheshwar Rai
 2. Bisheshwar Rai son of Late Madan Rai Both are residents of Sakin - Arariya Purab Tola, P.S. - Patory, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Pankaj

For the Opposite Party/s : Mr. SHAILENDRA KUMAR -1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2018 Heard the learned counsel for the petitioners and the learned
A.P.P. for the State.

At the outset, the learned counsel for the petitioners prays for withdrawal of the anticipatory bail petition as far as the petitioner no. 1 is concerned, with liberty to file an application for grant of regular bail before the concerned court.

Accordingly, the anticipatory bail petition as far as the petitioner no. 1 is concerned, is disposed off as having been withdrawn with liberty to the petitioner no. 1 to approach the concerned court for grant of regular bail and in case he surrenders before the concerned court within a period of two weeks from today, the concerned court would consider and dispose off the case of the petitioner for grant of regular bail on the same day.

As far as the petitioner no. 2 is concerned, the allegation of the



prosecution is that he had inflicted lathi blow on the husband of the informant while the petitioner no. 1 had inflicted iron rod blow on the husband of the informant. According to the injury report one injury is grievous in nature said to have been caused on account of blow by hard and blunt substance i.e. may be the iron rod and the second injury is simple in nature said to have been caused by the hard and blunt object i.e. may be lathi.

The learned counsel for the petitioners submits that as far as the petitioner no. 2 is concerned, at best the injuries said to have been caused by him by lathi, is simple in nature, hence he should be granted the privilege of anticipatory bail. The petitioner no. 2 is said to be having a clean antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioner no. 2, namely, Bisheshwar Rai to the privilege of anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Patory P.S. Case No. 187 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the present order granting anticipatory bail to the petitioner no. 2 is subject to the concerned court verifying the



antecedent of the petitioner no. 2 and in case it is found that the other case are pending against the petitioner no. 2, the present order would stand nonest in the eyes of law.

(Mohit Kumar Shah, J)

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