

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51633 of 2018

Arising Out of PS.Case No. -251 Year- 2018 Thana -RUNISAIDPUR District- SITAMARHI

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1. Akash Rai, Son of Ram Ishwar Rai.
 2. Munita Devi, Wife of Anil Rai.
 3. Chanda Devi @ Champa Ddvi, Wife of Ram Ishwar Rai.
 4. Rinki Devi, Wife of Akash Rai. All Resident of Village- Mahesha Farakpur, P.S. Runnisaid Pur, District- Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ranjeet Kumar Mishra, Advocate.

For the Opposite Party : Smt. Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2018 A supplementary affidavit has been filed on behalf of the petitioners. The same may be kept on the record.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 504, 323, 307, 446 and 380/34 of the IPC.

The prosecution story, in brief, is that on 14.05.2018 at 7.00 A.M. the accused Anil Rai was cutting Bamboo of the informant Bachi Devi. The informant went there and protested on which said Anil Rai abused her and tried to assault due to which



she fled away at her home. Thereafter, all the accused persons armed with Lathi, Danda and rod came at the house of informant, entered into her house and Anil Rai gave Farsa blow on the head of the informant's daughter-in-law with intention to kill her due to which she sustained head injury. Accused Akash Rai and Ram Iswar Rai assaulted her with Lathi and other accused persons took out a box containing original deed, papers of tempo and cash Rs. 75,000/-.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The alleged occurrence is said to have taken place due to previous enmity. The present case is outburst (Annexure-2) to the present application. As per Annexure-3 to the supplementary affidavit, nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out. .

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of



Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi, in connection with Runnisaidpur P.S. Case No. 251 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

