

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75437 of 2018

Arising Out of PS. Case No.-611 Year-2017 Thana- GHORASAHAN District- East
Champaran

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1. Sukhari Rai @ Ram Naresh Rai, Son of late Jagdeo Rai, Resident of Village-Chawpa Khas, P.S.-Ghorasahan District-East Champaran.
 2. Rajeshwar Rai, Son of Late Basudeo Ra, Resident of Village-Sapaha, P.S.-Ghorasahan, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh
For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2018 A supplementary affidavit is filed on behalf of the petitioners. The same be kept on record.

Learned counsel for the petitioners is permitted to make necessary correction in paragraph-3 of the main petition in the light of statement made in supplementary affidavit, in course of the day.

Heard learned counsel for the petitioners, O.P. No. 2 and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 149, 341, 323, 324, 325, 307, 379, 504 & 506 of the Indian Penal Code.

The prosecution case, in brief, is that while the



informant was harvesting paddy crops in his field, the accused persons variously armed came there and assaulted the informant, as a result of which, he received injury.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place at the time of occurrence. The injury on the side of the accused has not been explained by the prosecution. The nature of injury is said to be simple. No offence u/S 307 of the Indian Penal Code is made out. Rest of the offences are triable by the Magistrate. Several co-accused with similar allegation have been granted anticipatory bail by a coordinate bench of this court vide order dated 24-08-2018 passed in Cr. Misc. No. 48407 of 2018.

On behalf of the State and O.P. No. 2 , it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/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 learned Sub
Divisional Judicial Magistrate, Sikrahana at Dhaka, Motihari,
East Champaran in connection with Ghorasahan P.S. Case No.
611 of 2017, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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