

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15064 of 2018

Arising Out of PS.Case No. -15 Year- 2018 Thana -GARKHA District- SARAN

- =====
1. Tribhuwan Rai @ Mahanth Tribhuwan Bhagat
 2. Ganga Rai
- Both are Sons of late Dhaneshwar Rai
3. Sanjay Rai @ Sanjay Kumar Rai, Son of late Ravindra Ray
 4. Nagendra Rai @ Tinku Rai, Son of Yamuna Rai
- All R/o Vill- Bishambharpur, P.S. Garkha, Distt. Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate.
For the informant : Mr. Jeetendra Narayan, Advocate.
For the State : Smt. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-04-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel for the State.

The petitioners apprehend their arrest in **Garkha P.S.**

Case No. 15 of 2018 instituted for the offence under Sections 147,
148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal
Code.

Learned counsel for the petitioners has submitted that
there is specific allegation of causing injury to the informant on
his left hand with sword against Lal Saheb Rai. It has further been
submitted that there is land dispute between the parties. There is
case and counter case between them. It has further been submitted



that Garkha P.S. Case No. 16 of 2018 was registered on the basis of *Fard-e-beyan* of Lal Saheb Rai (father of petitioner No. 1) against father of the informant and others.

In the written report it is alleged that on the order of petitioner No. 1, Lal Saheb Rai caused injury to the hand of the informant with sword. It is further alleged that when Baldev Rai came to save the informant, petitioner No. 2 assaulted him with iron rod causing injury on his right shoulder and petitioner No. 4 assaulted him with iron rod causing injury on his left thumb of the toe.

Learned counsel for the informant has appeared and opposed the prayer for anticipatory bail of the petitioners. He has stated that several cases are pending against petitioner No. 1. In reply to the aforesaid submission, learned counsel for the petitioners has submitted that in all cases the petitioner No. 1 has been acquitted except in two cases, in which petitioner No. 1 is on bail as mentioned in paragraph-3 of the bail petition,

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Garkha P.S. Case No. 15 of 2018**, they shall be released on anticipatory bail on



furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-V, Saran, at Chapra,** subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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