

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21218 of 2018

Arising Out of PS. Case No.-271 Year-2017 Thana- SAHPUR District- Bhojpur

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1. Vishwamitra Rai
 2. Prem Shankar Rai
 3. Sada Shankar Rai All S/o Kuber Nath Rai R/o Village Purushottampur, P.S. - Sahpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar
For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 22-06-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Sahpur P.S. Case No.
271 of 2017 instituted for the offence under Section(s)
341/323/307/504/34 of the Indian Penal Code and Section 27 of
the Arms Act.

The learned counsel for the petitioners has submitted
that the petitioners and informant are co-sharers. The
altercation had taken place on account of partition of the
property between the parties. It is further submitted that both the
parties are living in same courtyard. The occurrence is alleged to
have taken place on 27.10.2017. The FIR was lodged on 27-10-
2017 but the same is received in the court on 01-11-2017 after



delay of five days. In the written report, it is alleged that petitioner No. 1 assaulted Krishna Kumar Rai on the head. Petitioner No. 2 and 3 assaulted Subodh Rai and the informant causing injury in the palm of Subodh Rai. Shyam Narayan Rai was giving threat to cause fire arm injury by showing his license gun. It is further alleged that these petitioners also assaulted Rajiv Ranjan Rai, Amarnath Rai and Nityam Kumar Rai causing injuries to them.

The case diary has been received. The learned APP after looking into the case diary has submitted that injury reports of all the injured shows abrasion, swelling, etc. The doctor has opined all the injuries on persons of the injured to be simple in nature caused by hard and blunt substance.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Sahpur P.S. Case No. 271 of 2017, 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 the learned A.C.J.M., Ara, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners 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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