

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36358 of 2018**

Arising Out of PS.Case No. -98 Year- 2017 Thana -DORIGANJ District- SARAN

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1. Nitish @ Nitish Kumar son of Radha Mohan Rai  
2. Rishi Ray @ Rishi Kumar son of Bishwanath Ray @ Vishwanath Ray  
Both resident of Village- Chirand, P.S.- Doriganj, District- Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      18-08-2018                      Heard learned counsel for the petitioners as well as the  
  
State.

The petitioners apprehend their arrest in Doriganj  
P.S. Case No. 98/2017, instituted for the offences punishable  
under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal  
Code.

In the written report, it is alleged that petitioner no. 1  
assaulted the informant indiscriminately with knife causing injury  
over his left eye. It is further alleged that petitioner no. 2 along  
with Sachin Rai assaulted with iron rod causing injury to  
informant and petitioner no. 2 snatched Rs. 35,000/- from the  
pocket of informant. Injury report of the informant has been  
annexed as Annexure-2 wherein the doctor has found laceration



below left eye size 1 ½” X ½”X ½” and the patient was referred to P.M.C.H., Patna for eye consultation advise.

There is specific allegation against petitioner no. 1 of assaulting informant indiscriminately with knife.

Therefore, this Court is not inclined to grant anticipatory bail to Petitioner no. 1. The prayer for anticipatory bail of petitioner no. 1 is accordingly rejected.

So far as petitioner no. 2 is concerned, there is general and omnibus allegation against him.

The prayer for anticipatory bail of petitioner no. 2 is allowed. In the event of surrender/arrest of petitioner no. 2, named above, within six weeks from today, in connection with Doriganj P.S. Case No. 98/2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VII, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner 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 petitioner and (3) if petitioner 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 petitioner.

**(Sanjay Priya, J.)**

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