

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42019 of 2018

Arising Out of PS. Case No.-281 Year-2015 Thana- BHAGWANPUR District- Vaishali

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1. Ram Pravesh Rai, son of Devnath Rai
 2. Uday Rai, son of Devnath Rai
 3. Devnath Rai, son of Saryug Rai
 4. Shanti Devi w/o Devnath Rai
 5. Lalita Devi@ Lalti Devi, w/o Ram Pravesh Rai, All resident of Village- Bakhara Bujurg, P.S. Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Bhagwanpur P.S.
case no. 281 of 2015 instituted for the offence under Section(s)
143, 341, 323, 342, 307, 302, 448, 447 and 380 of the Indian
Penal Code.

In the written report, there is allegation against petitioner
no.1 of assaulting the brother of the informant with sword on the
head. It is further alleged that petitioner no.2 assaulted the
mother of the informant with iron rod, on account of which, she
sustained serious injury and died on the spot. There is no any
specific allegation of assault against petitioner nos. 3, 4 and 5.



Petitioner no.3 is only alleged to be the order giver.

Learned counsel for the petitioners has submitted that the doctor has found the injury on the person of the brother of the informant caused by hard and blunt substance. The opinion with regard to injury nos. 1 and 3 is kept reserved. It is further submitted that doctor who has examined the mother of the informant, namely Lala Devi (deceased) found no any external injury.

Learned APP for the State has submitted that in the written report there is allegation against petitioner nos.1 and 2 of assaulting the brother of informant with sword and mother of the informant with iron rod respectively who died on the spot.

The correctness of the injury report and the postmortem report, as submitted by the counsel for the petitioners, cannot be looked into at the stage of anticipatory bail. It will be properly adjudicated during course of trial.

This court finds direct allegation against petitioner nos. 1 and 2 which also get support from statement of witnesses in the case diary. Therefore, this Court is not inclined to grant anticipatory bail to petitioner Nos. 1 and 2, namely Ram Pravesh Rai and Uday Rai. Prayer for anticipatory bail of the petitioner Nos. 1 and 2 stand rejected.



Petitioner No. 1 and 2 may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

So far petitioner nos. 3, 4 and 5 are concerned, petitioner no.3 is alleged to be the order giver and there is no any specific allegation of assault against petitioner nos. 3, 4 and 5.

In the facts and circumstances of the case, prayer of the petitioner nos. 3, 4 and 5 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner No. 3, 4 and 5 named above, within six weeks from today in connection with Bhagwanpur P.S. case no. 281 of 2015 , 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 ACJM IIIrd, Vaishali at Hajipur, 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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