

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52571 of 2017

Arising Out of PS.Case No. -136 Year- 2017 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. Sagar Rai, Son of Late Dehal Rai
2. Bharat Rai @ Bharti Rai, Son of Sh. Sagar Rai
3. Rinku Devi, Wife of Sh. Bharat Rai
4. Dhuriya Devi, Wife of Sh. Sagar Rai
5. Tushiya Devi, Wife of Sh. Lakshman Ray

All residents of Village - Ajnaul Dhelmara, P.S. - Dalsingsarai, District - Samastipur, Bihar (848114).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aaruni Singh, Advocate.

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Dalsingsarai P.S. Case No. 136 of 2017** instituted for the offence under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code.

It has been submitted that there is case and counter case between the parties. It is mentioned in paragraph-9 of the bail petition that counter case has also been filed by Ram Nath Rai against the informant and others vide Dalsingsarai P.S. Case No. 137 of 2017 in which member of the petitioners' side also sustained serious injuries, which have been enclosed as Annexure-



7 to the supplementary affidavit.

In the instant case there is allegation against petitioner No. 1 of assaulting Bedro Devi on her head with *Garansa*, the allegation against petitioner No. 2 is of assaulting Aruna Devi on her head with *Farsa*. The other three petitioners who are ladies have general and omnibus allegation of assaulting with iron rod and *Bhala*.

The injury report of Bedo Devi and Aruna Devi have been enclosed with supplementary affidavit annexed as Annexure- 5 and 6 wherein the doctor has found none of the injury on any vital part of the body of the injured. The injuries on the person of Aruna Devi are found to be simple in nature.

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 **Dalsingsarai P.S. Case No. 136 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 **learned Additional Chief Judicial Magistrate, Dalsingsarai (Samastipur)**, 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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