

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1611 of 2018

Arising Out of PS. Case No.-160 Year-2017 Thana- CHAUSA District- Madhepura

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1. Tiro Rai
2. Nannu Rai alias Nanhu Rai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. SRI BHANU PRATAP SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2018 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341,323,307,448,380,504,354 and 506/34 of the IPC.

The prosecution case as per the written report of Rajesh Sah is to the effect that on 5.6.2017 at 7 A.M. while the informant was at his house and his wife was working in the agricultural field, five accused persons including the petitioners came variously armed, abused and assaulted the wife of the informant. When the informant went to rescue his wife then co-accused Nitish Rai assaulted with the butt of country made pistol which caused fracture injury on the head of the informant. It is further alleged that when Ranju Devi, sister in law (bhabhi) of the informant came on the spot to



rescue him then co-accused Shyam and Jagan caught hold of her and assaulted and disrobed her. It is further alleged that these petitioners entered into the house of the informant and took Rupees One Lakh Ten Thousand kept in the box.

It is submitted by learned counsel for the petitioners that in the background of dispute between the parties the accusation has been levelled. There is no accusation of assault against the petitioners and the accusation of committing theft is cosmetic in nature. Moreover, the injury has been found to be simple in nature.

Learned APP submitted that there is accusation against the petitioners of committing theft in the house of the informant.

Considering the fact that there is counter version of the occurrence being Chausa (Fulaut) P.S. Case No. 161 of 2017 and statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 SDJM, Udakishunganj, Madhepura in connection



with Chausa (Fulaut OP) P.S. Case No.160 of 2017, subject to
the conditions laid down in Section 438 (2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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