

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.58094 of 2017**

Arising Out of PS.Case No. -92 Year- 2017 Thana -RAJNAGAR District- MADHUBANI

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1. Subodh Roy Son of Late Jaydeo Roy,  
2. Kumod Roy Son of Late Jaydeo Roy, resident of Village- Balha, P.S.-  
Raj Nagar, District- Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Gagan Deo Yadav

For the State : Dr. Rabindra Kumar, APP

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

4      31-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Rajnagar P.S. Case No. 92 of 2017 instituted for the offence under Sections-307, 379 & other minor Sections of the Indian Penal Code.

As per written report, petitioner No. 1 assaulted the son of informant Mukesh Kumar Rai with Farsa on the head causing fracture injury. It is alleged against petitioner No. 2 that he assaulted the daughter of the informant Indar Kumari.

The case diary has been received wherein the injury report of Mukesh Kumar Rai is available from which, it appears that he has sustained total five injuries out of which, one injury has been opined to be grievous in nature which is on scalp.

Counsel for the informant has appeared and submitted that the informant in his statement has stated that petitioner No. 1 along with Upendra Rai assaulted the informant. But in the written report, there is specific



allegation of assault against petitioner No. 1. The informant in his further statement has also taken the name of petitioner No. 1.

In such circumstances, this court is not inclined to grant anticipatory bail to petitioner No. 1. Accordingly, prayer for anticipatory bail of petitioner No. 1 stands rejected.

So far as petitioner No. 2 is concerned, there is allegation that he assaulted Indar Kumari with Lathi.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner No. 2 named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Rajnagar P.S. Case No. 92 of 2017 to the satisfaction of Sri Vikash Jha, learned Judicial Magistrate-Ist Class, Madhubani subject to condition as laid down u/S 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 No. 2 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 liable to cancel bail bond of the petitioner No. 2 and (3) if petitioner No. 2 tampers 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 No. 2.

**(Sanjay Priya, J)**

A.K.V./-

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