

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14943 of 2018

Arising Out of PS.Case No. -77 Year- 2016 Thana -SARAI District- VAISHALI(HAJIPUR)

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Kanchan Rai S/o Sri Jawahar Rai, R/o Village- Mirpur, Patadh, P.S.- Sarai,
District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navesb Nandan

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 16-04-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 324, 379, 448 and 504/34 of the Indian Penal Code.

The prosecution case got initiated with the fardbeyan of Rina Devi recorded by A.S.I. P.K. Singh of Town P.S. at Sadar Hospital, Hajipur on 19.06.2016, to the effect that on 19.06.2016 the petitioner being the brother-in-law (Bhaisur), his son Vishal Kumar and Asha Devi, wife of the petitioner came into the house, of the informant abused her and started repeatedly piercing a sickle (hansua) into her body and thereafter assaulted the informant with iron rod causing head injury. Co-



accused Vishal Kumar dragged the informant after catching hold of her hairlock and Asha Devi assaulted with kicks and booms. It is alleged that the petitioner snatched gold chain worth Rs. 20,000/- and cash of Rs.25,000/- kept in the box.

It is submitted by learned counsel for the petitioner that petitioner is the brother-in-law of the informant and in the background of the family dispute the accusation has been levelled. Though the informant has received altogether four injuries but injury nos. 2 and 3 have been found simple, whereas with regard to injury no. 1 opinion has been kept reserved. It is the specific case of the prosecution that the informant has been repeatedly assaulted with sharp sickle but the injury has been found caused by hard and blunt substance. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the thrust of accusation is against the petitioner.

Considering the relationship between the petitioner and the informant, the accusation being not corroborated with the medical opinion, and the statement made in paragraph 3 of the petition that the petitioner is not having criminal antecedent, let the above named petitioner be released on anticipatory bail in



the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sarai P.S. Case No. 77 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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