

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17737 of 2018

Arising Out of PS.Case No. -131 Year- 2017 Thana -CHAPRA MUFFASIL District- SARAN

- =====
1. Shankar Rai @ Shankaracharya @ Shankaracharya Yadav, son of Suraj Rai.
 2. Manoj Kumar @ Manoj Rai, son of Shankar Rai @ Shankaracharya @ Shankaracharya Yadav,
- Both residents of village-Naya Basti, Bishunpura, P.S. Muffasil, District-Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Sanjana, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Roy, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 30-07-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Chapra Muffasil P.S. Case No.131 of 2017** instituted for the offence under Section(s) 323, 324, 341, 504, 307, 379/34 of the Indian Penal Code and Section 27 of Arms Act.

Counsel for the petitioners has submitted that there is case and counter case between the parties on account of land dispute. The petitioner No.1 has filed Chapra Muffasil P.S. Case No.130 of 2017 against the family members of the informant. The instant case is counter blast of aforesaid case. The allegation



against petitioner No.1 in the instant case is of assaulting the brother of the informant namely, Pramod Singh on his head with sword causing injury to him. Allegation against petitioner No. 2 is of assaulting Rabindra Singh with *farsa* on his head causing injury to him.

Case diary has been received.

Injury report of Prabodh Kumar Singh is available in the case diary which was found to be simple in nature except injury No. 5 which is grievous in nature. The injury report of Rabindra Singh is also available in the case diary which shows that opinion with regard to injury Nos. 1 and 3 was kept reserved and no final injury report has been received in the case diary. There is free fight between both the parties.

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 **Chapra Muffasil P.S. Case No.131 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 **Chief Judicial Magistrate, Saran at Chapra**, 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.

S.Ali/-
Rohit Kr.

(Sanjay Priya, J)

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