

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25874 of 2018

Arising Out of PS.Case No. -74 Year- 2018 Thana -CHAPRA MUFFASIL District- SARAN

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1. Jai Ram Rai
2. Siya Ram Rai Both Sons of Anandi Rai
3. Ravindra Kumar
4. Hero Kumar @ Nagendra Kumar Both Sons of Nanhu Rai
5. Navratia Devi @ Nagrawati Devi W/o Nanhu Rai
6. Prabhawati Devi W/o Jai Ram Rai

All are R/o Vill.- Methwalia, P.S.- Chapra Muffasil, District- Saran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 21-06-2018 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Chapra Muffasil P.S. Case No. 74 of 2018 registered for the
offences punishable under Section 307 and other allied sections of
the Indian Penal Code.

The accusation against the petitioners is that they
mercilessly assaulted the informant and his other family members
by means of lathi, farsa etc. and in that course, petitioner no. 5 is
said to have snatched ornaments from one injured. In the present
case, altogether four persons sustained injury and opinion



regarding injuries of two injured persons has been kept reserved.

Learned counsel appearing for the petitioners submits that there was land dispute between the parties and both parties are agnates. He further submits that even if prosecution story assumed to be true, then also, all the injured sustained simple injury and it appears that a simple quarrel had taken place between the parties. He further submits that except petitioner no. 3, there is no specific allegation against the remaining petitioners but I am not, at all, convinced with the aforesaid submission.

Moreover, petitioners no. 5 and 6 are ladies and except allegation of snatching of ornament against petitioner no. 5, there is no specific overt act against the petitioners no. 5 and 6 and, therefore, taking note of this fact that they are ladies, it is ordered that petitioners no. 5 and 6, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds 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 in Chapra Muffasil P.S. Case No. 74 of 2018 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioners no. 1 to 4 are concerned, their prayer for anticipatory bail stands rejected. However, it is made



clear that if petitioners no. 1 to 4 surrender before the court below within four weeks from the date of receipt/production of copy of this order and seek regular bail, the concerned court shall consider the regular bail application of petitioners no. 1 to 4 on its own merit without being prejudiced by this order, particularly, keeping in mind the nature of injuries sustained by the injured as well as this fact that no specific overt act has been attributed against petitioners no. 1, 2 and 4.

(Hemant Kumar Srivastava, J)

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