

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35926 of 2018

Arising Out of PS. Case No.-326 Year-2017 Thana- BAKHTIYARPUR District- Patna

1. Indal Rai, Son of Dani Rai,
2. Manish Rai @ Manish Kumar, Son of Indal Rai,
3. Sumitra Devi @ Sumitri Devi @ Sunita Devi, Wife of Indal Rai,
All resident of Village- Teja Bigha, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap
For the Opposite Party/s : Mr. Smt. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-07-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in Bakhtiyarpur P.S. case no. 326/2017 instituted for the offence under Section(s) 452, 323, 307, 506 and 380/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the present case is counter blast of Bakhtiyarpur P.S. case no. 327/2017 instituted on the basis of written report of Manish Kumar (petitioner no.2) against present informant and his son. It has further been submitted that in the counter case Indal Rai (petitioner no.1) has



sustained injury by iron rod on his back, head, and ear.

In the instant case, it is alleged that all the petitioners assaulted the informant and his family members. Learned counsel for the petitioners has submitted that informant has sustained simple injury on his person and the daughter-in-law of the informant has sustained one injury. Opinion with regard to injury on the person of the informant's daughter-in-law is kept reserved. Injury reports of the informant as well as the daughter-in-law of the informant have been annexed as Annexures-2 and 3 to the bail petition.

There is case and counter case between the parties. Injuries have been sustained by both the parties.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Bakhtiyarpur P.S. case no. 326/2017, 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 the A.C.J.M., Barh, Patna, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail



bond of the petitioners 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.

(Sanjay Priya, J)

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