

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33367 of 2018

Arising Out of PS. Case No.-394 Year-2017 Thana- BUXAR District- Buxar

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1. Chunnu Rai, S/o Awadhesh Rai , R/o Vill.- Pipradh, P.S.- Rajpur, District- Buxar. At present R/o Vill.- Charitraban near Navlakha Mandir, P.S.- Buxar (Town), Distt.- Buxar.
 2. Ajeet Tiwari @ Kudi Tiwari @ Kudi
 3. Abinash Tiwari Both 2 & 3 Sons of Late Ashok Kumar Tiwari @ Ashok Tiwari, R/o Vill.- Jail Road Buxar, Charitraban, P.S.- Buxar (Town), Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Opposite Party/s : Mr. Sri Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-06-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Buxar (Town)P.S.
case no. 394 of 2017 instituted for the offence under Section(s)
341, 323, 379, 504, 506 and 307/34 of the Indian Penal Code.

In the written report it is alleged that these petitioners
surrounded the informant on the road in front of the medical
shop. It is alleged that petitioner no.1 assaulted the informant
with pistol on his right temple and petitioner no.3 assaulted with
butt of rifle on the back of the informant. The informant fell
down and thereafter petitioner no.3 put the pistol on the chest of



the informant and gave threat to kill him. It is also alleged that the other accused persons along with petitioner no.2 assaulted with fists and slaps and snatched Rs. 5,000/- from the pocket of the informant.

Learned counsel for the petitioners has submitted that learned Sessions Judge, Buxar has mentioned in the impugned order that all the injuries on the person of the informant was found to be simple in nature caused by hard and blunt substance. It is further submitted that from nature of allegation and the fact that doctor found simple injuries on the person of the informant, no case under Section 307 of the IPC will be made out.

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 Buxar (Town) P.S. case no. 394 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 the learned CJM, Buxar, 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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