

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70988 of 2018

Arising Out of PS. Case No.-84 Year-2018 Thana- OBRA District- Aurangabad

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1. Ashok Rajvanshi, Son of Ramadjhar Rajvanshi,
 2. Ramadhar Rajvanshi, Son of Mukhlal Rajvanshi,
 3. Guddu Rajavnsi @ Guddu Kumar, Son of Ashok Rajvanshi, All
Resident of Village-Cechadi, P.S.-Obra, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 326, 307, 337, 338/34 of the IPC, wherein subsequently Section 302 of the IPC has been added vide order dated 26.04.2018.

The prosecution case as per the fardbeyan of Rajpati Devi recorded by SI Saket Saurabh at Obra Police Station on 07.04.2018 at 9.00 A.M., is to the effect that on 06.04.2018 there was some dispute with the agnates of the informant. On 07.04.2018 at 7.00 A.M., seven accused persons including the petitioners came variously armed and started abusing and they threatened to grab the land of the informant. On protest being made, co-accused Akhilesh Rajvanshi assaulted with Farsa on the head of the son of the informant causing cut injury. When



the husband of the informant came to rescue him, he was also assaulted with Farsa by Akhilesh Rajvanshi. Thereafter, five lady accused resorted to pelting of stones and bricks.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against seven accused persons of assaulting with lathi and danda. The specific accusation of assaulting the son of the informant is only against co-accused Akhilesh Rajvanshi. The post mortem report reflects two injuries - one is abrasion on the right scapular region whereas other injury is on the vertex of scalp, and the said injuries has been found to be the cause of death, though as per opinion of the doctor, it is caused by hard and blunt substance. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is accusation of assault against the petitioners.

Considering the fact that specific accusation of assault against co-accused Akhilesh Rajvanshi with Farsa on the head of the son of the informant though the injury which has been found to be the cause of death has been caused by hard and blunt substance whereas the only vital injury is on the head of



the informant's son which is attributable to co-accused Akhilesh Rajvanshi , coupled with statement being made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 SDJM, Daudnagar, Aurangabad (Bihar) in connection with Obra P.S. Case No. 84 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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