

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3410 of 2019

Arising Out of PS. Case No.-268 Year-2016 Thana- NAUBATPUR District- Patna

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1. Sanjay Rai @ Sanjay Kumar male aged about 42 years, son of Kameshwar Rai
 2. Anil Rai @ Anil Kumar Male aged about 32 years son of Kameshwar Rai
Resident of Vill - Ramcharan Chatni, Near Devi Mandir, Dhobiakalapur, P.S.
Naubatpur, District- Patna.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Maruth Nath Roy

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-01-2019 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor Incharge of the court representing

the State.

The petitioners are seeking anticipatory bail in connection with Naubatpur P.S. Case No. 268/2016 registered under Sections 341, 323, 324, 379, 307, 504& 34 of the Indian Penal Code pending in the court of learned A.C.J.M. - II, Danapur, Patna.

Learned counsel for the petitioners submits that so far as petitioner no. 1 namely, Sanjay Rai @ Sanjay Kumar is concerned, no doubt there is an allegation that he had assaulted the son of the informant by Garansa on his head which had caused serious injury but the nature of injury has not come on



the record.

So far as petitioner no. 2 namely Anil Rai @ Anil Kumar is concerned, the allegation against him is that he had been trying to put a chain in the neck of the son of informant and was pulling the same which was opposed by the informant and others, whereafter they assaulted son of the informant and one Vishnu Kumar by lathi, danda and fists.

Learned counsel submits that the petitioners and informant are own *gotias*, they are having land dispute in which there are two versions of the same occurrence because the petitioners' side has also lodged one complaint which has been sent to the Police Station for lodging of a first information report. Learned counsel submits that petitioner has no criminal antecedent and the assault attributed to the petitioner no. 2 has not proved fatal.

Learned A.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioners.

Having considered the facts and circumstances of the case this court finds that there is specific allegation of assault by Garansa on the head of the informant's son against petitioner no.1, the court is not willing to grant him the benefit of anticipatory bail.



Accordingly, prayer for anticipatory bail of petitioner no. 1 namely Sanjay Rai @ Sanjay Kumar is refused.

So far as petitioner no. 2 is concerned, considering the nature of the allegations to the submissions that no fatal injury was caused by him on the head of the son of the informant, in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner no. 2 namely, Anil Rai @ Anil Kumar, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.,-II, Danapur, Patna, in connection with Naubatpur P.S. Case No. 268/2016, subject to condition that petitioner shall join investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of bail. This will be in addition to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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