

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7976 of 2019

Arising Out of PS. Case No.-280 Year-2018 Thana- FALKA District- Katihar

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1. Usha Devi, female, aged about 43 years, Wife of Binod Kumar Rai,
 2. Binod Kumar Rai @ Binod Rai, male, aged about 47 years, Son of Late Mahajan Roy
 3. Raja Kumar Rai @ Amit Kumar, male, aged about 18 years, Son of Binod Kumar Rai, all Resident of Village - Khotadumar, Khonta Milik, P.O.- Dumar, P.S.- Falka (Pothia), District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Chandra Prasad
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-02-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 354, 504 and 506/34 of the IPC.

The prosecution case, as per the written report of Renu Devi, dated 19.07.2018, submitted to the Station House Officer, Falka (Pothia) Police Station, is to the effect that on the same date at about 7 A.M., the informant was working in her courtyard, in the meantime, the petitioners came variously armed, when petitioner no.2, Binod Kumar Rai assaulted the informant with a hammer on her head, whereas petitioner no.3,



Raja Kumar Rai tore her saree and also dragged her and when the husband of the informant came to rescue her then he was also assaulted by all the accused persons.

It is submitted by learned counsel for the petitioners that the petitioners are the agnates of the informant and in the background of earlier land dispute, the accusation has been levelled against the petitioners. It is further submitted that neither the FIR nor does the impugned order suggest that the informant has received any grievous injury. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that accusation against the petitioners is specific.

Considering the nature of accusation levelled in the background of earlier land dispute, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-IV, Katihar in



connection with Falka (Pothia) P.S. Case No. 280 of 2018,
subject to the condition as laid down under Section 438(2) of
the Cr. P.C.

The bail bonds of petitioner no.2, Binod Rai shall be
accepted by learned Court below after verification from the
records that the informant has not received any grievous injury.
If it is found that the informant has received grievous injury,
then petitioner no.2, Binod Rai will surrender and pray for
regular bail.

(Dinesh Kumar Singh, J)

Amrendra/-

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