

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7366 of 2019**

Arising Out of PS. Case No.-560 Year-2018 Thana- FORBESGANJ District- Araria

1. Hema Devi, Wife of Madan Roy Resident of Village-Rai Tola, Matiyari, P.S.- Forbesganj, District – Araria.
2. Renu Devi, Wife of Mohan Roy Resident of Village-Rai Tola, Matiyari, P.S.- Forbesganj, District – Araria.
3. Mohan Roy @ Mohan Kumar Ray, Son of Ramu Roy Resident of Village-Rai Tola, Matiyari, P.S.- Forbesganj, District – Araria.
4. Chhotelal Roy, Son of Ramu Roy Resident of Village-Rai Tola, Matiyari, P.S.- Forbesganj, District – Araria.
5. Ramu Roy, Son of Late Panchu Roy Resident of Village-Rai Tola, Matiyari, P.S.- Forbesganj, District – Araria.
6. Ram Chandra Roy, Son of Late Panchu Roy Resident of Village-Rai Tola, Matiyari, P.S.- Forbesganj, District – Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ramadhar Shekhar  
For the Opposite Party/s : Mr.Ajay Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      15-03-2019                      This matter has been listed before this Court and is being taken on the mentioning slip of learned counsel for the petitioners since the Bench, before which this matter was not listed, is not available.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149,



341,323, 307, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of Mangan Roy submitted to the Station House Officer of Forbesganj Police Station is to the effect that on 23.07.2018 at 6.00 A.M., the petitioners and other co-accused persons named in the FIR started assaulting the informant with lathi and danda and when the wife of the informant came to rescue him, all the accused persons assaulted her, as a result, she received injury on her head. It is specifically alleged that petitioner no. 3, Mohan Roy assaulted Sanjay Roy with knife on his nose and also assaulted Vijay Roy with rod causing fracture injury of his leg.

It is submitted by learned counsel for the petitioners that out of six FIR named accused persons accusation of assault has been levelled only against petitioner no. 3, Mohan Roy. There is a counter version of the occurrence being, Forbesganj P.S. Case No. 559 of 2018. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the injury caused by petitioner no. 3 has been found to be grievous and he is named in the FIR.

Keeping in view the fact that petitioner no. 3, Mohan



Roy caused grievous injury to the informant side, this Court is not inclined to grant him anticipatory bail.

So far as petitioner nos. 1, 2, 4, 5 and 6 are concerned, there is no specific accusation of assault and a statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner no. 1, 2, 4, 5 and 6 be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 560 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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