

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10747 of 2019

Arising Out of PS. Case No.-204 Year-2018 Thana- BARGAINIA District- Sitamarhi

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1. Madhurendra Yadav @ Madhurendra Rai, son of Ram Swarath Rai @ Ram Swart Ray R/o village- Masaha Alam Ward No. 3, P.S Bairagania, Dist.- Sitamarhi
 2. S.P. Yadav Son of Ram Swarath Rai @ Ram Swart Ray R/o village- Masaha Alam Ward No. 3, P.S Bairagania, Dist.- Sitamarhi
 3. Ram Swarath Rai @ Ram Swart Ray Son of Late Indrashan Rai R/o village- Masaha Alam Ward No. 3, P.S Bairagania, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Kumar
For the State		Mr R.B. Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-02-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bairagania P.S. Case No. 204 of 2018, disclosing offences under Sections 341, 323, 324, 326, 307 and 34 of the Indian Penal Code.

It is alleged against petitioner no.1 that he assaulted the informant's brother with the butt of his gun and petitioner nos. 2 and 3 assaulted the victim with *Lathi* and iron rod.

Learned counsel for the petitioners appears to be corrected in his submission that the main ingredient to constitute an offence under Section 307 i.e. an intention to kill is missing,



since apparently there allegation of assault with the butt of the gun.

I find force in the submission of the learned counsel for the petitioners.

Considering the above, this application is allowed. Let the petitioners, above named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in Bairagania P.S. Case No. 204 of 2018, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required, and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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