

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12127 of 2019

Arising Out of PS. Case No.-126 Year-2018 Thana- BAJPATTI District- Sitamarhi

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1. Ram Kripal Ray son of Sahadev Ray, R/o Village Balbhiswa, Ward No.15, P.S.-Bajpatti, Distt.-Sitamarhi.
 2. Kamlesh Ray, son of Chandeshwar Ray, R/o Village Balbhiswa, Ward No.15, P.S.-Bajpatti, Distt.-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Mishra
For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-02-2019 Heard both sides.

The petitioners apprehend their arrest in Bajpatti P.S.
Case No.126 of 2018 registered under Sections 147, 148, 149,
341, 323, 325, 307, 354, 379 and 447 of the Indian Penal Code.

The informant named the petitioners along with seven
others and alleged that they all having armed with different
weapons came to his house in search of his nephew Shivjee Rai.
When the informant asked the reason, Kailash Rai pushed him
down on the ground and went inside the house in search of
Shivjee Rai. The accused persons dragged Shivjee Rai out from
the house and thereafter Kailash Rai assaulted Shivjee Rai with
an axe on his head. Ramjee Rai is said to have assaulted Shivjee
Rai with iron rod on his hand and back. Shivjee Rai got fracture



injury in his hand. It is further alleged that when Rina Devi wife of Shivjee Rai came to save him, Ram Kripal Rai (petitioner no.1) assaulted her with garasa on her head and thereafter the accused persons took away household articles and jewellery.

Learned counsel for the petitioners submits that there is a counter version. The occurrence took place due to land dispute. Petitioner no.1 is a home-guard constable and he was posted in local police station on the date of occurrence. From the side of petitioners also many persons got injury but from perusal of the F.I.R. it appears that petitioner no.1 Ram Kripal Rai is said to have assaulted Rina Devi wife of Shivjee Rai with garasa on her head and Kailash Rai is alleged to have assaulted Shivjee Rai with an axe on his head and both sustained grievous injuries caused by sharp cutting weapon as well as hard and blunt substance.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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