

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14933 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- DARIYAPUR District- Saran

1. Lorik Rai, Son of Late Bhagwan Rai R/o village- Barwa, P.S.- Dariyapur, District- Saran
2. Laloo Yadav @ Laloo Rai Son of Shambhu Rai R/o village- Barwa, P.S.- Dariyapur, District- Saran
3. Brahmanand Rai @ Verma Rai Son of Late Lakhichan Rai R/o village- Barwa, P.S.- Dariyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Najmul Hoda
For the Opposite Party/s : Mr.Kanhaiya Kishore (APP100)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-03-2019 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, 379, 504 and 506/34 of the IPC.

The prosecution case, as per the written report of Suresh Rai, dated 02.01.2019, submitted to the Station House Officer, Dariyapur Police Station, is to the effect that on 01.01.2019 at about 5 P.M., 12 F.I.R. named accused persons including the petitioners came near the door of the informant when it is alleged that petitioner no.1, Lorik Rai assaulted the informant



with sword causing cut injury on his head, whereas petitioner no.2, Laloo Rai assaulted the informant with sickle and petitioner no.3, Verma Rai assaulted the informant with the butt of the pistol and snatched Rs. 5,400/- from his pocket. It is further alleged that all the accused persons assaulted the informant with fists and slaps and took away the motorcycle of the informant and snatched a gold chain.

It is submitted by learned counsel for the petitioners that petitioners are the agnates of the informant. Though, the informant has received four injuries, but all the injuries have been found simple caused by hard and blunt substances, whereas petitioner nos. 1 and 2 are alleged to have assaulted the informant with sharp cutting weapon. It is further submitted that there is counter version of the occurrence also, being Dariyapur P.S. Case No. 03 of 2019, which has been lodged by the petitioners' side against the informant's side at earlier point of time. A statement has been made in paragraph no.3 of the petition that petitioner nos. 1 and 2 are not having any criminal antecedent, whereas apart from present case, petitioner no.3 is also made accused in one other case, in which he is on bail.

Learned counsel for the informant submits that petitioner nos. 1 and 2 assaulted the informant with sharp cutting weapon,



which suggests that they had intention to kill the informant.

Considering the fact that injuries of the informant have been found simple, there is no accusation of repeating blow against the petitioners and the case lodged by the petitioners' side at earlier point of time, 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, Saran in connection with Dariyapur P.S. Case No. 04 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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