

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21315 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- GOPALPUR District- Patna

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1. RAM KRIPAL YADAV Son of Ram Bhajan Rai Resident of Village and P.O.- Bairiya, P.S.- Gopalpur, District- Patna.
 2. Maya Ram Rai Son of Ram Bhajan Rai Resident of Village and P.O.- Bairiya, P.S.- Gopalpur, District- Patna.
 3. Umesh Rai S/o Ram Kripal Rai Resident of Village and P.O.- Bairiya, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Shankar Sinha
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,341,323,307,504,506,354 and 379 of the IPC.

The prosecution case as per the Fardbeyan of Ram Pravesh Prasad recorded by ASI Dashrath Prasad on 12.12.2018 is to the effect that on 11.12.2018, when the informant was working in his agricultural field, he received an information with regard to a quarrel at his house. Consequently the informant reached his house to see the accused persons assembled there and on the order of petitioner no. 3 Umesh Rai, petitioner nos. 1 and 2



assaulted the informant, as a result, he received head injury. Petitioner no. 3 was having pistol in his hand. It is further alleged that when the wife of the informant came to rescue the informant, other co-accused persons assaulted the informant's wife and snatched her jewellery..

It is submitted by learned counsel for the petitioners that there is no accusation of repeating the blow and the impugned order suggests that there is only bandaged injury. It is further submitted that there is counter version of the occurrence being Gopalpur P.S. Case No. 320 of 2018. Moreover, for the occurrence of 11.12.2018 at 3.30 P.M., the Fardbeyan was recorded on 12.12.2018 at 10.30 A.M. but the FIR was registered on 2.1.2019. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner.

Considering the accusation being omnibus and general against the petitioners, there being counter version of the occurrence and statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on



anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Patna, in connection with Gopalpur P.S. Case No.1 of 2019 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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