

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22500 of 2019

Arising Out of PS. Case No.-656 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Shashi Kant Kumar @ Shashi Kant, Son of Santosh Kumar Rai Resident of Village - Dharampur Nistama, P.S.- Samastipur, District- Samastipur
 2. Mani Kant Kumar @ Shashi Anand, Son of Santosh Kumar Rai Resident of Village - Dharampur Nistama, P.S.- Samastipur, District- Samastipur
 3. Nitu Kumari, D/O- Santosh Kumar Rai Resident of Village - Dharampur Nistama, P.S.- Samastipur, District- Samastipur
 4. Gita Rai, Wife of Santosh Kumar Rai Resident of Village - Dharampur Nistama, P.S.- Samastipur, District- Samastipur
 5. Santosh Kumar Rai @ Santosh Kumar, Son of Bhagya Narayan Rai Resident of Village - Dharampur Nistama, P.S.- Samastipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 02-08-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Samastipur Muffasil P.S. Case No.656 of 2018 for the offence
punishable under Sections 147, 307, 323, 341, 379, 504 and 506
of the Indian Penal Code.

The allegation against the petitioners is that the
petitioners along with other accused persons assaulted the



informant and his elder brother.

Learned counsel for the petitioners submits that petitioners have been falsely implicated due to some dispute arising out of preparation of Ghat in Chhath Puja. Learned counsel further submits that both the parties belong to the same village and there is a case and counter case inasmuch as the petitioner No.2 has also lodged FIR bearing Samastipur (M) P.S. Case No.657 of 2018 for the same incident which had taken place on the same date and time. Learned counsel further submits that injuries caused to the informant and his brother are simple in nature and no serious injuries have been found on the persons.

On the other hand, learned counsel for the State submits that from perusal of the case diary, it transpires that injury caused to Neeraj Kumar is simple in nature, however, injury report of his elder brother, Gurav, is not on record.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties belong to the same village and there is case and counter case between the parties and injury caused to the informant is simple in nature, as such, I am inclined to grant anticipatory bail to all these



petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Samastipur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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